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DRUG INTERDICTION AND ANTI-DRUG ABUSE ACT OF 1988

HEARING

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

SPECIAL HEARING

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DRUG INTERDICTION AND ANTI-DRUG ABUSE ACT OF 1988

WEDNESDAY, JUNE 8, 1988

U.S. SENATE, SUBCOMMITTEE ON TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT, AND THE SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES, COMMITTEE ON APPROPRIATIONS,

Washington, DC.

The subcommittee met at 2:07 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Dennis DeConcini and Hon. Frank R. Lautenberg (chairmen) presiding.

Present: Senators DeConcini, Lautenberg, Mikulski, Domenici, and D'Amato.

Also present: Senators Pell and Kerry.

DEPARTMENT OF THE TREASURY

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF JUSTICE

OPENING REMARKS BY SENATOR LAUTENBERG

Senator LAUTENBERG. We call this joint hearing before the Subcommittees on Treasury, Postal Service and General Government and Transportation and Related Agencies of the Appropriations Committee to order.

My colleague the chairman of the Subcommittee on Treasury is on his way. He asks that we go ahead and, what I will do is, I will make a brief opening statement and, if Chairman DeConcini has not yet arrived, we will invite you to give your testimony.

Today, the Subcommittee on Treasury, Postal Service and General Government and the Subcommittee on Transportation are joining together in a review of the U.S. agencies involved in narcotics interdiction work. In that regard, we are also reviewing the interdiction title and other provisions of S. 2205, the Omnibus Anti-Drug Abuse Act of 1988 introduced by my distinguished colleague, Senator Dennis DeConcini.

By all accounts, we have a $240 billion a year drug problem in this country, with its attendant and incalculable social and moral ills. It has become a monster whose ugly tentacles have ensnared our young people, not only in our big cities but in our small towns as well. An all out effort is required to win this fight for America's future.

With us today are the leaders of the Federal agencies who have the task of fighting that war on drugs. Each of these agencies have unique talents on which we all depend to stem the flow of illicit drugs into this country and, as Chairman of the Subcommittee on Transportation, I am well aware of the Coast Guard's vital role as the lead agency in maritime interdiction and drug law enforcement, and I am going to continue to be a strong supporter of their efforts.

But, our borders are extensive and there are thousands of square miles of ocean and air space that can be used by the drug criminals and they are all too good at doing it. Thus, it is obvious that an effective interdiction program depends on the efficient well coordinated efforts of all of these agencies, and those that are represented here today because more resources alone cannot overcome an inefficient program. I hope that today's hearings will show our citizens that we are resolved to do better.

Last year, the Coast Guard seized 3 billion dollars' worth of narcotics, and that included 1.2 million pounds of marijuana and 12,950 pounds of cocaine—15 percent of the quantity interdicted in the maritime region.

So far this year, the Coast Guard seized 9,972 pounds of cocaine directly and assisted other agencies in the seizure of another 14,500 pounds. In March, the Coast Guard seized 2 tons of cocaine, the second largest seizure in the country.

Cooperation between the Coast Guard and other Federal agencies involved in drug interdiction can have enormous benefits. While we intend to keep the pressure on the drug cartels through a vigorous interdiction campaign, we can't forget that there are other vitally important parts of the antidrug effort in which all sectors of our society have a role to play.

One of these is demand reduction, and unless we have the committed support of State and local governments, public and private organizations, the business community, labor organizations, and community leaders to speak out and educate our citizens, we will not get the breakthrough here that we need.

Congress has shown that it is willing to spend substantially more than that which the administration has felt needed to fight this war. Just in the Coast Guard alone, Congress has appropriated almost $2.5 billion since fiscal year 1984. These funds have paid for new more capable vessels and other equipment, which are now coming on-line, and I am going to do all I can to supply the resources to operate.

The fiscal year 1988 transportation bill that the Transportation Subcommittee reported and the Senate passed, fully funded the Coast Guard. In conference with the House, we were able to work out a compromise, once again, that fully funded the Coast Guard's request with the aid of some Department of Defense transfers. Then comes the budget summit and, unfortunately, we were forced to cut all domestic discretionary programs, and that was an unwelcome change. But, it also points out the realities of today's budget environment.

That brings me to S. 2205 the Omnibus Anti-Drug Abuse Act of 1988. I am a cosponsor of that, because I believe that the funding provisions for the Coast Guard are especially important and timely. The bill authorizes $45 million for personnel, 800 full-time equivalents, and $186 million more for Coast Guard marine and aviation assets and their operation and maintenance.

Today, we will discuss how these and other resources are being used. Drug interdiction is a complex issue and I look forward to the comments of my colleagues and of the officials represented here today. We have a lot of work to do and we have to proceed as quickly as possible to a resolution of the issues that might impede our progress.

We have been joined by my colleague from New York, Senator D'Amato. Senator, do you have an opening statement you would like to make?

Senator D'AMATO. Yes, Mr. Chairman.

PREPARED STATEMENT

Mr. Chairman, first, let me say that I would like to submit my full statement as if read in its entirety in the interest of some time.

Senator LAUTENBERG. Certainly.

[The statement follows:]

STATEMENT OF ALFONSE D'AMATO

OUR EFFORTS TO INTERDICT THE FLOW OF ILLEGAL DRUGS HAVE NOT SUCCEEDED. APPEARING BEFORE US TODAY ARE THE HEADS OF MOST OF THE KEY AGENCIES INVOLVED IN THE INTERDICTION EFFORT. I INTEND TO ASK THEM HOW WE CAN HELP THEM SUCCEED.

THE STREET PRICE OF COCAINE IS DOWN, AND THE PURITY IS UP. EVERY DAY, AMERICANS ARE DYING AS A DIRECT RESULT OF THESE ILLEGAL DRUGS, AND AS RESULT OF DRUG-RELATED VIOLENCE. THE CURRENT LOW RATE OF SUCCESS OF OUR INTERDICTION EFFORTS MUST BE IMPROVED. LIVES DEPEND UPON IT.

THE COAST GUARD'S $100 MILLION SHORTFALL HAS CAUSED SUBSTANTIAL REDUCTIONS IN THEIR PATROL EFFORTS. THIS HAS CREATED AN OPPORTUNITY FOR DRUG SMUGGLERS TO BRING IN THEIR CARGOS OF DEATH WITH LITTLE FEAR OF APPREHENSION.

BOTH THE CUSTOMS SERVICE AND THE COAST GUARD'S AIR OPERATIONS ARE HAMPERED BY A LACK OF RESOURCES. THEY ARE SHORT OF RADAR SURVEILLANCE AIRCRAFT, PURSUIT AIRCRAFT, AND APPREHENSION AIRCRAFT. AEROSTATS ARE AFFECTED BY BAD WEATHER, AND NOT ALL OF THE AEROSTATS WE NEED HAVE YET BEEN DEPLOYED, SO THERE ARE GAPS IN OUR RADAR COVERAGE.

THE AIR FORCE AND THE NAVY HAVE NOT ALLOCATED ENOUGH AWACS AND E-2C FLYING HOURS TO ADDRESS THE PROBLEM. AND THE E-2CS BELONGING TO THE CUSTOMS SERVICE AND THE COAST GUARD HAVE METAL FATIGUE PROBLEMS.

THERE IS ALSO A LACK OF COORDINATION OF THE RESOURCES WE HAVE. THE RAND CORPORATION, IN ITS JANUARY, 1988 REPORT ENTITLED "SEALING THE BORDERS," MADE THE POINT ON PAGE 7 THAT

"EFFECTIVE DRUG INTERDICTION REQUIRES A COMBINATION OF FACTORS TO PRODUCE SEIZURES AND ARRESTS. WHETHER BY LAND, AIR, OR SEA, INTERDICTION AGENCIES MUST DETECT 'TARGETS' CROSSING OR ATTEMPTING TO CROSS U.S. BORDERS; IDENTIFY WHICH OF THESE TARGETS COULD BE SMUGGLERS; AND INTERCEPT THOSE SUSPECTS TO DETERMINE WHETHER OR NOT THEY ARE TRANSPORTING DRUGS. CATCHING A SMUGGLER REQUIRES SUCCESS IN EACH OF THESE COMPONENTS."

WE HAVE NOT HAD SUCCESS IN EACH OF THESE COMPONENTS. WHILE SECTION 940 OF THE DEFENSE AUTHORIZATION ACT WILL HELP, IT IS NOT THE ENTIRE ANSWER. WHEN IT IS ENACTED INTO LAW, IT WILL PROVIDE ADDITIONAL RADAR SURVEILLANCE AIRCRAFT FLYING HOURS ON DEDICATED ANTI-DRUG MISSIONS, LOAN OF ADDITIONAL PURSUIT AIRCRAFT TO CIVILIAN DRUG ENFORCEMENT AGENCIES, AND DIRECT THE PRESIDENT TO DESIGNATE A LEAD AGENCY FOR DETECTING AND MONITORING AIRBORNE AND MARITIME ILLEGAL BORDER CROSSERS.

THE AGENCIES APPEARING BEFORE US TODAY WILL RECEIVE HELP FROM THIS PROVISION OF THE DEFENSE BILL. BUT THEY WILL HAVE TO HAVE ADDITIONAL RESOURCES AS WELL. WE PROVIDE SOME OF THOSE RESOURCES IN THE OMNIBUS ANTIDRUG ABUSE ACT OF 1988.

WHAT WE CAN GAIN FROM SUCCESSFUL INTERDICTION IS CLEAR. ON PAGES 9 AND 10 OF THE RAND REPORT, THE AUTHORS STATE THAT WHEN 10 OF THE 11 SMUGGLING ROUTES HAVE A 50% PROBABILITY OF INTERDICTION, CONSUMPTION FALLS BY 25%. FURTHERMORE, "WHEN 10 ROUTES ARE SUBJECT TO A 0.5 INTERDICTION RATE, COSTS [TO THE SMUGGLERS] RISE 66 PERCENT, WHILE SEIZURES RISE 97 PERCENT. IN THE LATER CASE, THE INCREASE IN PRICES CAUSE A 60 PERCENT REDUCTION IN CONSUMPTION." [EMPHASIS ADDED]

THIS IS THE RESULT WE WANT FROM INTERDICTION. I SUPPORT A BALANCED APPROACH TO SOLVING THE DRUG PROBLEM, BUT AN EFFECTIVE INTERDICTION EFFORT IS A KEY COMPONENT OF THIS BALANCED APPROACH. PEOPLE COMPLAIN ABOUT THE LOW SUCCESS RATE OF OUR PAST INTERDICTION EFFORTS, COMPARED TO THEIR COST. WELL, A POOR EFFORT WILL HAVE POOR RESULTS.

LET ME QUICKLY SAY THAT I INTEND NO CRITICISM OF THOSE AGENCIES INVOLVED IN THE EFFORT. THEY ARE ALL STRETCHED TO THE LIMITS OF THEIR RESOURCES AND THEIR PEOPLE ARE PUTTING THEIR LIVES ON THE LINE EVERY DAY TO STOP ILLEGAL DRUGS.

THE PROBLEM IS NOT WITH THE AGENCIES OR THEIR PEOPLE -- IT IS WITH THE POOR RESOURCES WE PROVIDE TO DEAL WITH THE PROBLEM. IF WE GIVE THE AGENCIES THE TOOLS THEY NEED TO DO THE JOB, THEY WILL DO THE JOB TO THE BEST OF THEIR ABILITY.

LET ME POINT OUT AT THIS STAGE THAT CONGRESS BEARS A SHARE OF THE RESPONSIBILITY FOR FAILING ADEQUATELY TO FUND THE INTERDICTION EFFORT. THE COAST GUARD'S BUDGET PROBLEM IS ONLY THE LATEST CASE IN POINT. WE, HERE, HAVE AN OBLIGATION TO HELP SOLVE THE RESOURCE PROBLEM, IF WE ARE REALLY SERIOUS ABOUT AN EFFECTIVE INTERDICTION PROGRAM.

I LOOK FORWARD TO ASKING THIS DISTINGUISHED PANEL MORE ABOUT WHAT WE CAN DO TO HELP THEM DO THEIR JOB.

Senator D'AMATO. Second, Mr. Chairman, let me say that I view with a great deal of concern the kind of rhetoric that I see taking place, not only by the media, who question those who seek to galvanize the resources of this country and make a real commitment against the drug epidemic.

I am not surprised at the institutional mentality of the Defense Department. They are regrouping now to further emphasize why their resources shouldn't be called upon as one of the components in this effort against the drug problem that we face today. It strikes me as somewhat difficult to understand why it takes the Congress of the United States to ask the military to utilize the assets that it has in detection and to become a key player in detection.

We have them now saying: Do you want to put the military into a situation where you have 35,000 troops lined up along the border and searching all the people that come in?

I am somewhat surprised that the Commander in Chief of the military hasn't called in the Joint Chiefs of Staff and others and said: Hey, fellas, let's use these resources so that you couple them with the other branches of law enforcement or, to be more precise, the branches of law enforcement who are charged with the responsibility of dealing with the drug problem. That hasn't been done.

I said before, they were dragged to the altar kicking and complaining. They took offense at that, that is certainly the case, and they haven't stopped kicking and complaining behind the scenes, issuing their reports to the media, without attaching their names of course, never, never for attribution.

Talk about a bunch of cowards, they are cowardly when they act in that manner. Kick up a lot of dirt, a lot of dust.

Look at the Rand Report. "Oh, no, this is using an elephant to kill an ant," someone said, "or a flea." If it is a flea or an ant that is inflicting a heck of a lot of harm in our communities, it is a rather dangerous flea or ant, if we are talking about drugs.

We are concerned about turf here, we are concerned about who gets credit. We have ego problems that are the most incredible. We haven't focused in on this problem one iota and, the fact of the matter is, the public has every right to be cynical as it relates to this effort. Because, I want to tell you, with the exception of a relatively few people, they haven't been dedicated to this effort. Those in public office get dragged to the altar when it is election time, and after the election you won't see them.

I have to tell you something, Mr. Chairman, and I don't direct this personally. As the ranking member of the Transportation Committee, it has been a great pleasure for me to have the opportunity to associate myself with you, to work with you. You have been a gentleman, you have done the best you can with scarce resources.

The administration plays an incredible game. It pits the needs of one against the other. It wants to get rid of mass transportation, so it zeros out Amtrak, cuts mass transit by 50 percent, gives the admiral for the

Coast Guard all the money he needs, gives FAA all the money they need. But OMB recognizes that you are going to have to take money from both of those areas just to meet minimal requirements and even cut in the area of Amtrak and in the area of mass transportation.

That is why this Senator says: Let's stop letting them play that game. Put the assets of the Coast Guard in the Treasury, have a coordinated battle against drugs under one authority, Customs and Coast Guard. That is why I say that, it means we have to lose some leverage, but sobeit if it will make that war a little more effective. I wonder why it is that somehow people have said that if you are calling for stronger laws, better enforcement, they jump to this incredible conclusion that somehow we are forgetting or have not provided for probably the most important part of the equation, as I said a total effort, which is education.

Real education and prevention, meaningful, starting in kindergarten and the first and second grades, teaching self-worth, self-esteem, values. Rehabilitation because you have no place to send an addict today, you have to say send him back 2 months from now, 3 months from now. We don't have rehabilitation efforts, and Senator DeConcini and I have provided for that in our bill. Not too many people talk about provision in our bill, S. 2205. They think the only thing Senator DeConcini and I, in our bill, said is, use the military, beef up the law enforcement. There is a half a billion dollars a year more just in rehabilitation, for facilities and programs that we basically do almost nothing for.

I haven't seen one person say anything about that. Nitpick that we are not going to solve the whole problem. Well, we are not going to, it is a long, complicated problem to solve.

Do you know why? We are the problem. I have heard these commentators talk about: Let's think about legalization. Legalization, that is the issue, they say. Well, that is not the issue.

You want to talk about how we are going to deal with reducing the demand side? You want to have some debates? Well, let's debate the issues and they are tough and no one here wants to do it, because they are politically dangerous, very dangerous.

You want to talk about whether or not we should have testing for those people who manage the Nation's skyways, the radar controllers? Most people might say, yes. They should be tested. What about the pilots? Some people might say, yes. Well what about the fella that is at the throttle of a powerful locomotive with 500 people behind him, should he or should he not be tested?

That is the kind of dialog we should begin to have, Mr. Chairman. Not whether or not we should legalize drugs because somehow we haven't won the so-called war. I won't even call it a war. I wouldn't dignify it with that word. War has been waged against us.

Let me ask you something. How about testing as it relates to someone's driver's license? What happens if that person who applies for a license tests positive for drugs? What do you say about that?

Admiral, what do you say? Should you give that person a license who tests positive?

Admiral YOST. No.

Senator D'AMATO. Now, let me ask you, what about somebody who comes in for a renewal of a license?

So, if we are going to be serious about this, let's not talk about the legalization of drugs. When someone says legalize drugs because we haven't been successful to date, that is absolutely preposterous.

Let's begin to say that we are really going to galvanize the resources of this country as it relates to the education effort, the prevention effort, the law enforcement effort and, yes, the proper use of the military assets of this country.

I think it is deplorable that the President of the United States hasn't called in the Joint Chiefs and everybody else and said: My God, we don't need a law. I am the Commander in Chief, you begin to use your assets to help detect drug smugglers and feed that information to law enforcement and set up a C^3I system so that our law enforcement people are made at least as effective as possible.

We didn't need the "Rand Report" to say that you are not going to interdict all the drugs by commitment of these resources, but you don't give up either. You use the resources, and you mobilize the people and you demonstrate that we are committed to fighting drugs, because, you know something, the people feel beaten down and they have to know that we are serious about it. Even if it is a psychological boost.

By the way, you are going to stop more people from bringing drugs in. The issue is the manner in which to go.

Mr. Chairman, I have seen some of the replies to some of the questions based upon the prepared statements by some of those who are going to testify. I have to suggest to you in some cases they are rather inadequate.

I would say, let's get serious about galvanizing this Nation in an effort to turn the tide against illegal drugs.

Thank you, Mr. Chairman.

Senator DECONCINI. Senator D'Amato, thank you very much.

I want to thank my friend from New Jersey, Senator Lautenberg, for beginning these hearings, but I was at Catholic University, couldn't get away and I appreciate very much for you going ahead and proceeding Senator Lautenberg.

I yield to the Senator from New Mexico, the ranking member of the subcommittee.

Senator DOMENICI. Thank you very much, Mr. Chairman.

Let me share some thoughts with the committee and, in particular, you, Senator DeConcini, and Senator D'Amato. I am a cosponsor of the omnibus bill that you all introduced. I share many of the concerns expressed by my friend from New York, especially the cynicism about what we are trying to do, but I want to give you a word of encouragement.

I asked New Mexicans what they thought about our response to this problem of illegal drugs and they actually had to spend 25 cents to give me an answer, because, as you know, they can't send us back franked mail. I would just give you a current report on the response. We had 2,876 people in my little State answer, and many of them wrote messages saying: We don't know the answer. This is a tough problem. We are not so sure.

But, 2,876 said, yes, proceed; and 252 said, no; 495 wrote us their own views, saying there should be this and other approaches. So, I don't think we ought to be on any kind of a downer with reference to a renewed effort at trying to control illegal drugs in this country.

I think that we ought to move full speed ahead. If we are going to have a war, we ought to dignify it with the tools that a war in the United States always has and, one thing that we have always done when we have had a successful war is, we have had a goal to win. We have never had, when we were successful, half-baked goals and so, I suggest that we might as well do what the American people really want us to do.

I suggest, before we are finished with the bill, that we ought to open it with a statement of purpose, and I believe the statement of purpose ought to be unequivocal. It ought to say: It is the will of the United States—and I would hope the President would sign it—that by 1995 there be no more illegal drugs in the United States.

I don't see any other way to approach it other than to say it that way. That is far different than how we have been talking. We have been talking about those who have been bringing the drugs in. We ought to do that.

We have been talking about arresting those who sell and those who are conspirators in a business. We have been talking about the death penalty at the Federal level for those who are involved as kingpins, where the result is death in the streets. We ought to do that.

We ought to change the criminal laws so that it is absolutely clear, but I submit to you we ought to go ahead and expand the notion of zero tolerance, which is now being used at the borders. We ought to talk about it, but I think there ought to be zero tolerance in the United States. That means we should have a measured response program for users.

Maybe we have to give them all notice. Maybe the country ought to get 6 months' notice before we do this, but I see no way, based upon the economics of supply and demand, where 7 dollars' worth of costs yields $30,000 or $40,000 in the streets, I see no way to literally stop the flow.

We can certainly make a big dent. They ought to know it is tough, but I tell you fellow Senators, we have to stop demand and to stop demand, in addition to educating, we have to enforce the statutes of the United States of America and its sovereign States, which make it illegal to use drugs.

I am absolutely aghast as we begin to study this that there are laws on the books of every State that make it illegal to use drugs, and we have been running around talking about the big guys who sell it and interdicting those who bring it in, but we haven't told the American people unequivocally that there ought to be a series of measured response for the users.

I tell you they ought to be measured in the sense that users from a day certain in the United States ought to know, first, they are going to be fined; second, they may suffer loss of a drivers license, they may suffer loss of some Federal grant that we now happen to give them the privilege of accepting, all in due process of law.

I am not suggesting and nobody should think I am, anything radical, anything unilateral, any law enforcement extra special powers, but that is what is going to have to be done, zero tolerance, as it is now being applied on the interdiction side is going to have to be applied in the homes, in the streets, in the schools of the United States, or I tell you we won't win the war.

I am hopeful, before we are finished, that we will take the basic bill and add these kinds of concepts to it. Where we can enforce it, we should. Where we are going to encourage our States to enforce it in the manner I have just described, we ought to do it.

From and after a date certain in this country, we will not tolerate those who use illegal drugs—and we don't need any other definition. We don't need to talk about hard and soft and dangerous. Illegal drugs, they are already defined, they are already illegal. We ought to begin to think clearly about the forfeitures, expanding that in a very legal and due process oriented approach well beyond just the vehicle of transportation.

If we want to get this stuff out of the streets and out of our kids minds and out of our schools, how in the world can we have a national policy anything less than saying, there will be no more. It is illegal, so we are going to enforce the illegality.

I am hopeful that is what we are going to come out with before we are finished, and I very much appreciate the opportunity to be here with you.

PREPARED STATEMENT

Senator DECONCINI. Senator Domenici, thank you very much.

I am, for the sake of time, going to put my statement in the record.

[The statement follows:]

STATEMENT OF SENATOR DENNIS DECONCINI

Today, the Appropriations Subcommittees on Treasury and Transportation are meeting in joint session to hear testimony on the Federal drug interdiction effort. Drug interdiction is a critical link in our antidrug chain and today we are fortunate to have the four top Federal officials responsible for this part of our overall drug control strategy.

Appearing on our witness panel today are: Mr. Frank Keating, Acting Associate Attorney General of the United States and chairman of the Interdiction Coordinating Group of the National Drug Policy Board; Adm. Paul Yost, Commandant of the Coast Guard; Mr. William von Raab, Commissioner of Customs; and Mr. Alan Nelson, Director of the Immigration and Naturalization Service.

The need for this particular hearing grew out of the formation of the Senate majority leader's working group on substance abuse on May 17, and the concerns of

Chairman Lautenberg and myself that interdiction be given a fair hearing in the working group. To this end, we have invited every member of the working group to this hearing, as well as all members of our two appropriations subcommittees. The purpose of this hearing is threefold: (1) to examine our overall interdiction strategies; (2) to examine the tools that our drug interdiction agencies have on-hand, or need to fight the drug war; and (3) to examine S. 2205, the Omnibus Anti-Drug Abuse Act of 1988, and how it addresses the interdiction element of our antidrug effort.

Let me quickly end by saying that I believe interdiction, along with law enforcement, is at the top of this Senator's priorities in fighting drugs. And in both of these areas we are just now beginning to see some tangible results, as assets come on-line and more enforcement personnel are on the job. Yet, I also know that interdiction and law enforcement is not going to solve the drug problem alone. It needs to be surrounded with a strong education program, that begins at kindergarten and works its way beyond the schoolhouse doors into the population at-large. We need an aggressive drug eradication program in drug source countries. We need to make treatment more readily available to those who have fallen victim to the drug scourge. And we need to take away the assets of the drug kingpins to hit them where it really hurts—in their pocketbooks.

I believe that my bill, S. 2205, addresses all of these components of a comprehensive drug strategy. Seventy-four of my colleagues in the Senate think so too. Today, I hope to show that interdiction plays a key role in any overall drug war and that we should give our interdiction agencies the muscle they need to do the job.

I now am pleased to yield to the cochairman of this hearing, Senator Frank Lautenberg of New Jersey.

Senator DECONCINI. I want the record to show, however, that Senator Domenici has played a major role in advancing the bill that now has 74 cosponsors through the budget process. We wouldn't be even considering it, if it wasn't for his fine leadership and that of Senator Chiles.

Senator D'Amato, I want to thank you for your steadfastness and your outspoken concern about the interdiction and enforcement side.

I agree with the Senator from New Mexico. We can't win it with a half a war. I am old enough—and I am sure no one else is on the committee here—to remember as a child the Second World War when this Nation was mobilized and we had blackouts in our neighborhood and when we would camouflage our houses because we were near an air base, and that is what you talk about mobilizing.

I agree with the Senator from New Mexico that to win the war, everything has to be put together.

Senator Lautenberg, I thank you for your leadership. What you have tried to do with the Coast Guard has been tremendous, being sure that they are funded, and when they have been underfunded, taking the lead on that to supply them with the material and the support of Congress and that has been demonstrated year after year in your leadership in the appropriations' Subcommittee on Transportation.

Now, gentlemen, let me say first of all, my compliments to each one of you.

I have had the great pleasure of working with these three gentlemen, as I am sure other members have. We have had differences of opinion and we have shot at each other a few times in trying to move in directions that we all feel are very important.

I want to thank Admiral Yost and Commissioner von Raab, for putting aside those jealousies and concerns of professionalism, of who is going to get what and who is going to control what. I realize that you can't always have your way, just like I can't always have mine, but I compliment you for that effort.

The same goes with Mr. Nelson. Your cooperative effort on the border with the agencies, at least in my State, has been superb and I thank you for that.

Mr. Keating, you and I have had some disagreements on hearings with Mr. English and ! appreciate your forthrightness and willingness to accept those criticism and suggestions and do something about them. It is so easy to say: Yes; we are going to do that. And, have a staff person write down what you want done and then it doesn't happen.

So, we are starting today to listen to testimony on interdiction. We have an opportunity to have a tremendous drug effort from Congress and the administration. We have a host of questions. But first, I am going to ask that you make a very short summary so that we can go to the questions as they relate to this legislation before us, along with the bipartisan effort in the Senate and the House and now with the President's special committee, so we can draft something that really will be comprehensive.

Our purpose here today is to focus on interdictions. What have you done with what you got? What can you do with what you might get, and what do you need? We want to provide that, if it is humanly possible, on the interdiction and the enforcement side. That doesn't mean we are going to sacrifice anything on the other sides of this issue, on education, treatment, et cetera.

We welcome hearing from you what has been forthcoming, what we can accomplish with the funds now set out in S. 2205 and other suggestions.

First, I have a question for Mr. Keating. If you would make a quick summary, Mr. Keating, your full statement will be inserted in the record, and then we will go down the line. Thank you.

DEPARTMENT OF THE TREASURY

STATEMENT OF HON. FRANCIS A. KEATING II, ACTING CHAIRMAN, DRUG ENFORCEMENT COORDINATING GROUP, NATIONAL DRUG POLICY BOARD

Mr. KEATING. Thank you, Mr. Chairman, and members of the subcommittees.

I am appearing here before you today as the Chairman of the National Drug Policy Board's Enforcement Coordinating Group, and as Acting Associate Attorney General. We welcome the opportunity to share with you, as we have attempted to in the recent past, our views both publicly and privately about this bill, and also the views of the administration about the need for greater cooperation not only among and between the various agencies and departments involved, but also among and between members of the administration and of the Congress as well.

As you know, the President has made a request for a strategy summit for Members of the Congress and the administration to get together to blend together the proposals which are being considered on the hill, as well as with the proposals which the administration has considered and is considering throughout the National Drug Policy Board process. We certainly hope that that will go forward because we think that is a positive way to approach this problem and to speedily resolve the legislative part of these issues.

I have with me today, Mr. Chairman, the leaders of the interdiction effort, the Chairman and the Vice Chairman of our Interdiction Committee of the National Drug Policy Board, Commissioner von Raab as well as Admiral Yost. Also I have with me Commissioner Alan Nelson, the Commissioner of the Immigration Service, who serves with me as a member of the Southwest Border Committee.

As the chairman is well aware, and as the members are aware, last year the National Drug Enforcement Policy Board was merged into the National Drug Policy Board. We have two coordinating groups, one on the demand-side, chaired by Dr. Macdonald, and one on the supply-side, chaired by me and consisting of the heads of all the major Federal agencies involved in this fight.

We have put together an interdiction strategy, which we are here to discuss with you, and that strategy is in the process of being implemented. The President's budget in 1989, if fully funded, will provide some 13 percent increase in the funds necessary to fully implement this strategy throughout fiscal year 1989.

I have brought with me a number of the suggestions that we are considering presenting to you on behalf of the Policy Board. I know that I have discussed, Mr. Chairman, with your staff a number of the provisions of this bill which I will be more than happy to share with you in the course of the question and answer session.

It is, again, an honor for the Policy Board and for representatives such as us to appear before you and we will be happy to answer any of your questions.

PREPARED STATEMENT

This concludes my informal statement. I would appreciate it if my formal statement can be made a part of the record.

[The statement follows:]

STATEMENT OF FRANCIS A. KEATING II

It is my pleasure to appear before this joint subcommittee hearing today as Acting Chairman of the National Drug Policy Board's Enforcement Coordinating Group in order to provide an overview of the National Drug Policy Board's comprehensive strategy to counter drug trafficking into the United States. I am joined at the table by the Chair and Vice Chair of the Policy Board Interdiction Committee, Customs Commissioner von Raab and Coast Guard Commandant Yost, and Immigration and Naturalization Service Commissioner Nelson who heads our Operation Alliance management effort.

Background

As you know, the National Drug Enforcement Policy Board was created by the National Narcotics Act of 1984. In March of 1987 the President expanded the Board's mandate to include demand-side responsibility. Our current organization is three-tiered.

The department-level Policy Board, chaired by the Attorney General meets monthly and develops overall drug program policy, facilitates coordination and resolves interagency disagreements.

Two agency-level Coordinating Groups one on demand chaired by Dr. Macdonald, and one on supply, which I chair, translate this policy into an integrated strategy.

Nine lead agencies, created by the Board in May 1987, submit strategy plans to the Policy Board for approval, implement this strategy and work to insure interagency coordination within their particular area of responsibility.

Strategy Chronology

In May of 1987, the Policy Board issued its Lead Agency Directive, naming nine lead agencies for the nine functional areas that make up the federal government's Narcotics Control Efforts and Programs. On the supply side, DEA is the lead agency for two functional committees, Intelligence and Investigations, the Criminal Division of the Justice Department is the lead agency for the Prosecutions Committee, the Department of State's Bureau for International Narcotics Matters is the lead agency for the International Committee; and the Customs Service is the lead agency for the Interdiction Committee.

In August of 1987, the Attorney General, as Chairman of the NDPB, tasked each lead agency committee in writing to develop a document detailing the policies, strategies, programs, objectives and necessary resources for its area of responsibility. In September, the initial drafts of these strategies were provided to NDPB staff.

In January of 1988 the Board approved in principal the nine Lead Agency strategies, the Board also reviewed and discussed the President's FY89 Federal Drug Budget, which saw an overall increase of 13% over FY88. The lead agency committees were further charged to develop FY88-89 strategy implementation plans consistent with resources available during this period.

Those strategy implementation plans were briefed to both sides of the Hill, the Senate and House, on February 25 and 26, 1988. The documents were dispatched to over 150 members of Congress on March 9 and 15, 1988.

Interdiction Strategy

When drugs depart the foreign source country it becomes the responsibility of the member agencies of the Interdiction Committee, chaired by the Customs Services and Vice-chaired by the Coast Guard to interdict those drugs before they enter the United States. The Interdiction Committee's strategy objective is to reduce the quantity of illegal drugs entering the United States, raise the level of risk sufficiently to force organized smuggling groups to cease operation and to deter potential smuggling operations. This interdiction strategy may be characterized as a "defense in depth" strategy. I will leave it to our Interdiction Committee spokesmen here today to describe this strategy in detail.

Overall National Drug Policy Perspective

I would simply like to assure your subcommittees that the National Drug Policy Board does put our interdiction effort into perspective with the rest of our overall strategy. We solicit the ideas and input of the interdiction committee on what resources they would like to have to improve their interdiction effort, as well as the ideas and wishes of all the other lead agencies committees.

Throughout its tenure, this administration has asked for, and the Congress has provided, an increase in the resources needed to do the job. The record is clear on that account: funding for federal drug law enforcement is up 257 percent since 1981. The President's FY89 drug enforcement budget alone reflects a 13 percent increase over FY88.

We must, however, consider that if "doing the job" in interdiction is defined as stopping completely the influx of drugs to the United States, virtually no realistic level of funding will suffice.

If, on the other hand, "doing the job" involves (1) reducing the quantity of illegal drugs entering the U.S., and (2) raising the level of risk to deter potential smuggling operations--the stated goals of the Interdiction Strategy--then the President's budget fully supports this.

In all of this there is the question of reasonableness and fiscal responsibility. There are any number of proposals around for substantial increases in resources for drug interdiction--some costing billions of dollars. We need to balance that against the other elements of the drug control program and against the other needs of the country. These are tough choices, and we must continue to work together constructively in making them.

The President has recently called for a joint Bi-partisan

Task Force composed of top level cabinet officials and the congressional leadership to reach agreement and consensus on the contents of a new Omnibus Drug Bill. With all of the diverse drug initiatives and many actors who are making it increasingly difficult to stay abreast of drug-related legislation, it is high time for such a Task Force. The principal players need to assert themselves now to prevent an unwise, ill-considered and uncoordinated piece of major drug legislation. This nation deserves no less, even in an election year. I sincerely hope the Congress heeds the President's urgent plea for bipartisan cooperation.

Mr. Chairman, that concludes my brief summary of the National Drug Policy's lead agency enforcement strategies and the process whereby they were created. I would be glad at this point to answer your questions.

U.S. Customs Service

STATEMENT OF HON. WILLIAM VON RAAB, COMMISSIONER, U.S. CUSTOMS SERVICE

Senator DeConcini. Commissioner von Raab.

Commissioner von Raab. I have no prepared statement, but I would like to, if permissible, to compliment Senators D'Amato and Domenici for their outstanding and inspiring statements earlier on. I could not agree with either of them more. We need to put this Nation on a war footing. We need to harness all of the energies of every American in this effort.

I might just quote from a letter that I recently wrote, in which I outlined a few ideas that I thought might be useful, and that is:

> The underlying theme of all these ideas is that in time of war, the entire Nation must focus its energies on the war effort. The national drug war effort should be no different. We must tap our country's energies and put our Nation on a war footing. There must be a total commitment by every American to rid our country of drugs.

Thank you very much.

Senator DeConcini. Mr. von Raab, thank you very much.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard

STATEMENT OF ADM. PAUL YOST, COMMANDANT, U.S. COAST GUARD

Senator DeConcini. Admiral Yost.

Admiral Yost. Thank you, Mr. Chairman. I will summarize my testimony and ask that it be placed in the record.

Senator DeConcini. Without objection.

Admiral Yost. I am pleased to testify before the Treasury, Postal Service and General Government Subcommittee, and also my own Subcommittee on Transportation. It is a pleasure to appear before you today, and to review and discuss a key national issue, the drug problem.

The Coast Guard is heavily involved in the battle to stem the tide of illicit drugs flooding across our borders. As Commandant, I am totally committed to winning this battle which is so crucial to America's future.

Drugs must be deglamorized. The unacceptability of drugs must be clearly established in all sectors of this society. Testing certainly has a role to play. Even though these elements are important, even essential, we must also continue to strengthen our interdiction efforts.

We must attack the problem. We must focus on stopping drugs at or near the source, intercepting wholesale quantities as close to the point of origin as possible. We must increase our surveillance and detection. We can't catch what we can't find.

It is essential that we have, as requested in the President's budget, full funding. The Coast Guard fiscal year 1989 budget will greatly help in this area. Congress can demonstrate its leadership in drug interdiction in a variety of ways.

First and foremost by providing the resources we need to do the job, not only the acquisition, construction and improvements funds to acquire the necessary assets, but the operating expenses to fund and operate them to the limits of their capabilities.

A $60 million reprogramming request for fiscal year 1988 was submitted to Congress several months ago. We badly need these funds to make full use of existing interdiction assets which are presently being utilized at much less than their full capability. We have had to cut back routine patrols by 55 percent of 1987 levels.

We also need the full amount requested in the President's 1989 budget. By providing these amounts, Congress will be sending a strong message of commitment to victory in this war on drugs.

The Coast Guard is concerned that our appropriation subcommittee, in order to meet very real and pressing problems, is having to draw upon funds budgeted for national defense to fund the Coast Guard. I am asking for your help with this problem.

PREPARED STATEMENT

As a final thought, I believe our national drug interdiction strategy is sound. The Coast Guard is playing and will continue to play an essential role in that strategy. To increase our effectiveness, we need the specific items I have mentioned, but most of all I need the funding to fully operate all of my assets to their maximum capability.

Thank you very much, sir.

Senator DECONCINI. Thank you, Admiral.

[The statement follows:]

STATEMENT OF ADM. PAUL A. YOST, JR.

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE ON TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT AND OF THE SUBCOMMITTEE ON TRANSPORTATION. IT IS A PLEASURE TO APPEAR BEFORE YOU TODAY TO REVIEW AND DISCUSS A KEY NATIONAL ISSUE, THE DRUG PROBLEM.

I AM SURE THAT EVERYONE HERE IS IN AGREEMENT THAT DRUG ABUSE IS A KEY NATIONAL ISSUE. THE CORROSIVE IMPACTS OF DRUG ABUSE ARE ALL TOO OBVIOUS, NOT ONLY HERE IN THE UNITED STATES, BUT ALSO AMONG OUR ALLIES THROUGHOUT THE WORLD. OUR NEIGHBORS IN THE CARIBBEAN AND IN CENTRAL AND SOUTH AMERICA HAVE BEEN PARTICULARLY BESIEGED BY THIS PROBLEM.

THE COAST GUARD IS HEAVILY INVOLVED IN THE BATTLE TO STEM THE TIDE OF ILLICIT DRUGS FLOODING ACROSS OUR BORDERS. AS COMMANDANT, I AM TOTALLY COMMITTED TO WINNING THIS BATTLE WHICH IS SO CRUCIAL TO AMERICA'S FUTURE. OVER THE PAST FOUR YEARS, FOR EXAMPLE, COAST GUARD COCAINE SEIZURES HAVE RISEN STEADILY FROM 1932 POUNDS IN FY 1984 TO 12,950 IN FY 1987. THUS FAR IN FY 1988, WE HAVE SEIZED A FURTHER 9972 POUNDS OF COCAINE. IN ADDITION, THE COAST GUARD HAS ASSISTED OTHER AGENCIES IN THE SEIZURE OF 14,504 POUNDS OF COCAINE IN THE FIRST EIGHT MONTHS OF THIS FISCAL YEAR. WE UNDERSTAND THAT SEIZURES HAVE FALLEN OFF SINCE THE START OF THE 1988 CALENDAR YEAR BECAUSE OF THE BUDGET CRUNCH.

THE COAST GUARD HAS DONE A GREAT DEAL, BUT WE NEED TO DO MORE -- WE ALL NEED TO DO MORE| EDUCATION IS AN IMPORTANT ELEMENT IN REDUCING THE DEMAND FOR ILLICIT DRUGS. DRUGS MUST BE DEGLAMORIZED. THE UNACCEPTABILITY OF DRUG USE MUST BE CLEARLY ESTABLISHED IN ALL SECTORS OF SOCIETY. TESTING CERTAINLY HAS A ROLE TO PLAY.

EVEN THOUGH THESE ELEMENTS ARE IMPORTANT, EVEN ESSENTIAL, WE MUST ALSO CONTINUE TO STRENGTHEN OUR INTERDICTION EFFORTS. WE MUST ATTACK THE PROBLEM. WE MUST FOCUS ON STOPPING DRUGS AT OR NEAR THE SOURCE, INTERCEPTING WHOLESALE QUANTITIES AS CLOSE TO THE

POINT OF ORIGIN AS POSSIBLE. IN ORDER TO BE EFFECTIVE IN DOING THAT, THE COAST GUARD NEEDS:

1. IMPROVED ACCESS TO INTELLIGENCE DEVELOPED BY THE NATIONAL INTELLIGENCE COMMUNITY. BUT MORE IMPORTANT, WE MUST WORK WITH THOSE AGENCIES TO GREATLY INCREASE THEIR SOURCES OF DRUG INTELLIGENCE. WE MUST BE MORE KNOWLEDGEABLE ABOUT BOTH THE TACTICS AND THE STRATEGIES BEING USED BY THE DRUG SMUGGLERS AND KEEP UP TO DATE ON CHANGES IN THESE TACTICS AND STRATEGIES SO THAT WE CAN USE OUR RESOURCES TO THEIR BEST ADVANTAGE.

2. IMPROVED COMMAND, CONTROL AND COMMUNICATION CAPABILITIES. WE MUST BE ABLE TO CONTROL OUR ASSETS EFFECTIVELY.

3. FULLY TRAINED AND QUALIFIED PERSONNEL. OUR PERSONNEL INTERACT DAILY WITH THE WHOLE SPECTRUM OF THE PUBLIC, FROM LAW ABIDING CITIZENS TO HARDENED CRIMINALS, IN AMBIGUOUS AND POTENTIALLY HOSTILE SITUATIONS. THEY MUST BE WELL SCHOOLED IN HOW TO DEAL WITH ALL CONTINGENCIES.

4. WE NEED TO INCREASE OUR SURVEILLANCE AND DETECTION. WE CAN'T CATCH WHAT WE CAN'T FIND. IT IS ESSENTIAL THAT WE HAVE, AS REQUESTED IN THE PRESIDENT'S BUDGET, FULL FUNDING. THE COAST GUARD FY 89 BUDGET WILL GREATLY HELP IN THIS AREA.

5. CLEAR DEFINITIONS OF RESPONSIBILITIES, AUTHORITIES AND JURISDICTION WITHIN THE FEDERAL GOVERNMENT SO THAT AGENCIES INVOLVED IN EVERY ASPECT OF THE DRUG PROBLEM HAVE CLEAR MARCHING ORDERS. THE NATIONAL DRUG POLICY BOARD HAS ADDRESSED THIS PROBLEM BY ARBITRATING AGREEMENTS BETWEEN THE COAST GUARD AND THE CUSTOMS SERVICE AND OTHER AGENCIES.

WHAT CAN YOU DO?

CONGRESS CAN DEMONSTRATE ITS LEADERSHIP IN DRUG INTERDICTION IN A VARIETY OF WAYS. FIRST AND FOREMOST, BY PROVIDING THE RESOURCES WE NEED TO DO THE JOB -- NOT ONLY THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT FUNDS TO ACQUIRE THE NECESSARY ASSETS, BUT THE OPERATING EXPENSES FUNDING TO OPERATE THEM TO THE LIMITS OF THEIR CAPABILITIES. A $60M REPROGRAMMING REQUEST FOR FY 1988 WAS SUBMITTED TO CONGRESS SEVERAL MONTHS AGO. WE BADLY NEED

THESE FUNDS TO MAKE FULL USE OF OUR EXISTING INTERDICTION ASSETS WHICH ARE PRESENTLY BEING UTILIZED AT MUCH LESS THAN THEIR FULL CAPABILITY. WE HAVE HAD TO CUT BACK ROUTINE PATROLS BY 55% OF THE 1987 LEVEL. WE ALSO NEED THE FULL AMOUNT REQUESTED IN THE PRESIDENT'S FY 1989 BUDGET. BY PROVIDING THESE AMOUNTS CONGRESS WILL BE SENDING A STRONG MESSAGE OF COMMITMENT TO VICTORY IN THIS WAR ON DRUGS.

I RECOGNIZE THAT SOME OF YOU FEEL THE COAST GUARD WOULD FARE BETTER IN ANOTHER DEPARTMENT, BUT THE COAST GUARD DOES NOT HAVE AN ORGANIZATIONAL PROBLEM TODAY. IT DOES NOT BELONG IN TREASURY, NOR ANYWHERE ELSE BUT DOT, FROM THE PERSPECTIVE OF ITS BUDGET OR ITS MISSIONS.

APPROXIMATELY 24% OF OUR BUDGET FITS INTO TREASURY, 76% DOESN'T. THE FOLLOWING MISSIONS ARE TRANSPORTATION RELATED:

-- AIDS TO NAVIGATION

-- MARINE SAFETY AND SECURITY

-- ENVIRONMENTAL PROTECTION

-- PORT SAFETY AND SECURITY

-- RECREATIONAL BOATING SAFETY

-- SEARCH AND RESCUE

-- ICE OPERATIONS

S. 2205 EXACERBATES THE PROBLEM OF MISSION FIT BY SEPARATING DRUG LAW ENFORCEMENT FROM THE REST OF THE COAST GUARD AND PLACING CERTAIN COAST GUARD FUNCTIONS US UNDER SEPARATE ASSISTANT SECRETARIES. COAST GUARD UNITS ARE TYPICALLY MULTIMISSION. FOR EXAMPLE, A PATROL BOAT MAY WELL DO DRUG ENFORCEMENT, SEARCH AND RESCUE, AND FISHERIES ENFORCEMENT ON A SINGLE PATROL. COMMAND, CONTROL, AND PLANNING AND BUDGETING FOR UNITS LIKE THESE WOULD NOT FIT INTO A "TWO ASSISTANT SECRETARY" ORGANIZATION AS ENVISIONED BY S.2205. I FEAR MUCH OF OUR MULTIMISSION EFFICIENCY WOULD BE LOST.

COAST GUARD IS CONCERNED THAT AN APPROPRIATION SUBCOMMITTEE IN ORDER TO MEET VERY REAL AND PRESSING PROBLEMS IS HAVING TO DRAW UPON FUNDS BUDGETED FOR NATIONAL DEFENSE TO FINANCE THE COAST GUARD, WHILE THEIR OWN ALLOCATIONS ARE GOING TO UNBUDGETED MASS

TRANSIT AND RAILROAD PROJECTS. I'M ASKING FOR YOUR HELP WITH THIS PROBLEM.

AS A FINAL THOUGHT, I BELIEVE OUR NATIONAL DRUG INTERDICTION STRATEGY IS SOUND. THE COAST GUARD IS PLAYING AND CAN CONTINUE TO PLAY AN ESSENTIAL ROLE IN THAT STRATEGY. TO INCREASE OUR EFFECTIVENESS, I NEED THE SPECIFIC ITEMS I'VE MENTIONED, BUT MOST OF ALL I NEED THE FUNDING TO FULLY OPERATE ALL MY ASSETS TO THEIR MAXIMUM CAPABILITY.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF HON. ALAN NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE

Senator DeConcini. Commissioner Nelson.

Mr. Nelson. Thank you, Mr. Chairman and members of the subcommittees.

It is a pleasure to join my illustrious colleagues to be before you on this important issue. Likewise, I would ask that my full statement be made part of the record and I will summarize it.

It is good for the Immigration Service to join these other agencies. Very often, we are somewhat the best kept secret in town in our role along with the others in effective drug interdiction, and I think we can be proud of the record. For example, on the land border, this last quarter, the U.S. Border Patrol and Immigration Service seized over 50 percent of the cocaine, 66 percent of the marijuana, and 84 percent of the heroin. This is on the Mexican land border.

The seizures in 1987 were more than double those in the previous year by the U.S. Border Patrol, and certainly the trend will continue and interdiction will increase greatly beyond that. In fact, our seizures got close to our annual budget.

I think the important thing, Mr. Chairman and members of the committee, is that while there is so much more to be done, we all agree there, on demand, on use of education, on interdiction, there have been some significant strides, and it is important for us to build on the positive efforts and the commitment by the Congress through this bill, and otherwise, and the administration to work together to come up with an effective drug education and interdiction bill.

I might talk about a couple of things that are underway because they do relate to interdiction, even though they are in the education and information areas.

We have been very proud in the U.S. Border Patrol to have set up a program with our uniformed U.S. Border Patrol officers going into schools with our drug dogs showing how they interdict drugs, and also talking about the dangers of drugs.

When you can get a uniformed law enforcement officer into the schools, you have a tremendous impact. We have already briefed some 200,000 students, most of them in the Texas area. But we think that this is an important program that we would like to expand. It can be talked about legislatively, but a lot can be done administratively to expand that to all the agencies, State, Federal, and local. We would like to do much more of that.

We would also, Mr. Chairman, like to submit, for the record, a copy of a video tape of this program in the classroom. I would ask the committee and staff to look at that together with some of the other materials.

Another aspect is the workplace program. In the implementation of the Immigration Reform and Control Act, we visited nearly 1 million employers to tell them about the employer sanction provisions. It is our expectation that we will expand those efforts by also talking about drugs. I think that all of the Federal agencies, and many State and local, can do much of the same thing as a way to broadly market the "Say No To Drugs" campaign.

Similarly, in citizenship classes and classes for newly legalized aliens, we will be talking about the drug issues there, too.

Let me talk a little now, if I might, on the various strategies.

We are pleased in the Immigration Service to be involved in interdiction, investigation, intelligence, communication, prosecution and deportation regarding illegal drugs, and we are proud of that role.

I might note for a moment, Senator D'Amato spoke on the military issue, and I would make a very specific comment. I think there is no question that the military has a significant role, but I don't think, probably, most would feel they ought to line soldiers up on the land border.

I would offer to the committee and to the Congress that we think we have a much better alternative, and that is the U.S. Border Patrol. Here you have a civilian agency, yet uniformed. They are interdicting illegal aliens——

Senator D'AMATO. Mr. Chairman, at the risk of creating consternation, this is just the kind of remark that I think is uncalled for. Let me tell you why, Commissioner.

When did you hear this Senator say that? I said that I take exception to those who come forward and make the kinds of comments that somehow suggest that Senator DeConcini, I and others have said that we are going to line the Army up at the border. I didn't say that.

Commissioner NELSON. I didn't say that, Senator.

Senator D'AMATO. For you to imply, and that is exactly what you did in your statement——

Commissioner NELSON. I did not, sir.

Senator D'AMATO. We will have the girl read it back.

RECORDER [reading]. That somehow we are asking for the military to be on the border, that is outlandish.

Senator DECONCINI. If the Senator from New York would yield, I would be glad to yield to him.

Let me have Commissioner Nelson finish his statement. I think it is worthwhile discussing what you brought up.

Senator D'AMATO. I just wanted to make the point when he was doing it, because I didn't want you to say that he didn't say it, because before we know it, he will say that it was a figment of our imagination, and he never said any of that.

Senator DECONCINI. Go ahead, Commissioner.

Commissioner NELSON. Thank you, Mr. Chairman.

Senator D'Amato, I made reference to you, but as a matter of compliment, not as criticism. I was not implying, and if any words indicated that to you, I withdraw it.

Senator D'AMATO. That is OK. Don't say that I have implied that we should somehow put men along the border.

Commissioner NELSON. I was not implying that to you or anybody.

The point is that I think most would agree that that would not be a wise use of the military. As I say, we have a good, solid civilian force.

Senator D'AMATO. Again, no one has suggested that.

Commissioner NELSON. Very good, sir, but others have.

Senator D'AMATO. Then why don't you mention their names.

Commissioner NELSON. There has been a lot of talk about it, and I don't know that we need to go into it.

Senator D'AMATO. You have been talking about it, and so have some of those in opposition to even using the military resources. Somehow you take those of us who say, let's use the assets to detect planes, and you go ahead with all these mythical things that nobody has ever suggested.

Commissioner NELSON. Again, we have the alternative of a uniformed civilian authority interdicting drugs, interdicting illegal aliens, which has knowledge of the border, speaks Spanish fluently as a job requirement, and knows how to track drugs and aliens, and this is important. I think the important emphasis is there, as this committee considers how resources should be spent.

Let me also talk, again so there is no misconception here, of the linkage of drugs and aliens. About 70 percent of the cases involved in Federal drug interdiction agencies involve illegal aliens. Again, I do not imply that all illegal aliens are drug carriers, to the contrary, most are not. Nevertheless, there is a serious interrelationship.

Sixty percent of those in the Los Angeles County Jail, for example, on drug charges, are illegal aliens. I was in the State of Washington last week, the Yakima Valley, which has a serious drug flow problem; 100 percent of those aliens involved in the illegal drug traffic in that area are illegal aliens.

I think, again, what this committee and the Congress and the administration must note this important linkage, and that is the emphasis of my points. I think, again, all of us here have worked with Operation Alliance, and I think that has made some excellent progress, the involvement of drug dogs, Customs, INS, and others.

We need more portable sensors on the border. There needs to be a better link of sensors with the various air intelligence systems, and more can be done there. The checkpoints have done very well. Specifically, at the one in San Clemente, CA, below Los Angeles, we had a 400-percent increase in drug seizures in the last year. We can improve and expand on those border checkpoints.

I think a good example of cooperation is in our various electronic lookout systems, the Customs Tecs system, the immigration lookout system, and the State Ablo system, a good interrelationship of efforts on better ADP coordination among the various agencies, that can be expanded.

The organized crime drug enforcement task force, talking about the interior of the country, have worked very effectively. I think the efforts there, again, need to be expanded by more commitment of resources and efforts, because the interior is important as well as the border.

Overseas, of course, more needs to be done. Again, we can be proud of the results under the NNBIS system, the EPIC, and the forensic document laboratories situation.

In the area of training, I might touch on, I know your bill does address that, there should be more coordination of State, local, and Federal of the undercover training operations, the teaching of Spanish, and demand reduction training.

I might mention to Senator Domenici and others, the proposal for the Artesia, NM, training facility, this could be an excellent location to do some of this kind of training.

PREPARED STATEMENT

Again, Mr. Chairman and members of the committee, we are pleased to be here with the other members, and we are committed to working with you to deal with this important problem.

Senator DeConcini. Thank you, Commissioner Nelson.

[The statement follows:]

STATEMENT OF ALAN C. NELSON

I welcome the opportunity to comment on S. 2205, titled the "Omnibus Antidrug Abuse Act of 1988", which you are considering today. The stated purpose of the bill is to provide enforcement authorities and resources to combat widespread abuse of dangerous drugs in the United States. The Administration supports many provisions of this bill, but is opposed to efforts to reorganize the Executive Branch.

The Immigration & Naturalization Service plays a major role in federal drug interdiction efforts. Statistics for the first quarter of Fiscal Year 1988 show that INS has been involved in the seizure of 57 percent of the cocaine, 66 percent of the marijuana, and 84 percent of the heroin interdicted on the Southwest Border. Our seizures in Fiscal Year 1987 more than doubled over the previous year, and we are well on our way to topping 87's figures. The street value of drugs seized exceeded $582 million, a figure almost equal to the entire INS budget for FY 87.

There has been considerable debate recently about proposals to use military personnel in border interdiction. I believe that military communications, aircraft and technological resources, rather than military personnel, can be used to great effect in support of drug interdiction and border enforcement. I oppose stationing military forces on the border. In the same vein, I cannot see any benefit in proposals to reorganize INS, the Customs Service, Coast Guard or other agencies to form an ill-conceived border enforcement superagency.

DEMAND REDUCTION EDUCATION

School Program INS is a leader in demand reduction education and has developed a very successful and highly praised school program using Border Patrol uniformed agents and drug detecting dogs to promote the "Just Say No!" theme for students. We have already made presentations to thousands of schools and local service organizations and almost 200,000 students. I am pleased to provide a videotape and other materials relating to these programs, which have won strong support and praise from students, educators and parents alike, and have received special recognition from Congress and the White House. The programs demonstrate how much can be accomplished at minimal cost when an agency works with state and local officials to address a mutual problem. However, our ability to support this program is greatest in border areas where our resources are concentrated, and we are exploring ways to expand these programs in urban areas.

Work Place Program We intend to expand this program to provide education for Drug-Free Work Places. Our highly successful employer education program for employer sanctions is close to reaching our goal of 1 million employer visits in one year. The visits and seminars set up by INS offer an excellent vehicle to increase employer awareness of the hazards and detection of drug abuse in the work place. Our approach will bring together business and labor groups and local agencies in a partnership with the Service and other drug enforcement agencies to develop local and industry-wide initiatives. The INS visit program has been well received.

Citizenship Classes
We are committed to continuing our work with voluntary agencies and education officials to provide drug awareness information in citizenship classes and at counseling centers for immigrants, refugees and newly legalized residents.

DRUG ENFORCEMENT STRATEGY INS has developed a comprehensive drug enforcement strategy which supports the policies and strategies announced by the National Drug Policy Board. Our drug enforcement strategy deploys Service resources for demand reduction, interdiction, investigation, intelligence and communication support, prosecution and deportation of alien drug traffickers, and assistance to state, local and foreign enforcement agencies. This strategy recognizes the unique role of the Service in federal law enforcement and takes advantage of the strengths and special capabilities of INS personnel and resources.

BORDER ENFORCEMENT The INS Border Patrol is a unique law enforcement agency in its mission, capabilities and accomplishments. In protecting our nation's borders the Border Patrol has arrested over one million aliens attempting illegal entry to the United States in each of the last five years. These illegal entrants present a law enforcement problem, not a national defense problem. Border Patrol efforts provide several important benefits in the comprehensive law enforcement responsibilities of the federal government. First: we intercept both aliens and drug shipments which have illegally crossed our borders. In the first 4 months of FY 88, over 60% of the drugs seized on the Southwest Border - whether at ports of entry or between the ports -is seized by the Border Patrol. The number of alien apprehensions may exceed one million again this year-down significantly from the FY 85 high of 1.8 million - due to economic conditions in much of Latin America.

Second: We preserve our friendly relations with Canada and Mexico which have allowed the United States to rely on civil law enforcement, rather than military forces, to patrol our borders and control lawful entry into the United States.

Third: We protect and save the life of aliens who are preyed upon by border bandits, and of countless individuals lost in the mountains and deserts of the Southwest, and in our national forests and parks. Border Patrol training and expertise in Spanish language and border enforcement techniques, especially in the ability to follow tracks through remote areas, has prevented many tragedies.

Fourth: Border Patrol operations serve as a model for other countries which face increasing illegal entries across their borders. Many countries have sent officers to the United States for instruction at Border Patrol sectors.

Fifth: Border Patrol operations support local communities and law enforcement by assisting in emergency situations, and maintaining the border area cultural heritage. The majority of Border Patrol employees are native to the border area and are keenly sensitive to the strong cultural ties that span the border.

An important consideration in our planning is the fact that over 70 percent of cases handled by federal drug interdiction agencies involve aliens. This linkage of drugs and aliens is very important, and argues against the use of military personnel in border interdiction. I believe that military communications, aircraft and technological resources can be used to great effect in support of border enforcement. For example, the sensor system we have installed along stretches of the Southwest border is an adaptation of technology developed by the military. We have also developed specialized night vision equipment based on military research. These technologies enable the United States to continue border patrols under civil law, without having to station military forces on the border.

INTERDICTION INS is committed to the continuation and expansion of Operation Alliance and similar border task force operations to detect and intercept drug shipments as they cross our borders. Trained dogs recently acquired by the Border Patrol have proven effective in detecting both the concealment of smuggled aliens and transportation of drugs in vehicles and containers.

Sensor systems provide an early warning system against illegal entries and increase our efficiency. We are working to develop portable sensor systems which will enable us to follow the moving target of smugglers travelling through remote border areas where sensor systems are not permanently established. This will increase ability to identify smugglers who use illegal alien border crossers as their couriers. There are great benefits in linking the radar and air surveillance resources of other agencies with upgraded INS ground sensor systems to improve the detection of drug smuggling. This type of linkage can increase effectiveness without having to duplicate resources already available.

The Border Patrol checkpoint at San Clemente, California monitors vehicle traffic on the major West Coast drug traffic corridor. We need to modernize the checkpoint at San Clemente, California to expand its capacity to handle increasing vehicle traffic. Drug seizures at this checkpoint increased by almost 400 percent in FY 87, and will grow further with improvements to increase control and security.

INS is on the first line of attack against drug couriers and known drug traffickers entering the United States at land, air and sea ports. Our 'lookout' systems identify over 100,000 inadmissible aliens, and is supplemented by the Treasury Enforcement Communications System (TECS). We have also improved our detection of drug traffickers at ports of entry by training Terrorism, Drugs and Fraud Detection Teams, our specialists in detecting the use of false identities and travel documents to facilitate the international travel of terrorists, drug smugglers and other criminals. INS initiated drug seizure cases increased by over 200 percent last year. The addition of INS inspectors at land border ports, especially on the Southern Border, is critical to drug interdiction, and this view is shared by the Customs Service.

INVESTIGATIONS INS investigations identify alien gangs and organizations which have become so heavily involved in drug traffic in our cities. The greatest success comes from interagency task forces, and we are active in these team efforts on several fronts. We have 100 agents assigned to the Organized Crime Drug Enforcement Task Force, and they are participating in investigations of major alien drug gangs and organizations operating throughout the United States and internationally. In the initial year of our involvement we have just scratched the surface, but our efforts have led to the seizure of tons of cocaine, marijuana, heroin and 'crack', weapons, vehicles and over $7 million in currency. Our participation in the Organized Crime Drug Enforcement Task Forces has achieved these successes even though we have not received any funding for these efforts.

We plan to dedicate agents to Organized Crime and Racketeering Strike Forces being formed by the Criminal Division to target Asian based criminal drug organizations, and to Drug Enforcement Administration State and Local Task Forces and Asset Removal Teams, to support local law enforcement needs.

I propose to increase INS investigative and intelligence strength and improve communications resources in our overseas offices to support international liaison, deterrence, interdiction and extra-territorial prosecution efforts, particularly in drug source countries. Experience has shown that criminal smuggling groups are not exclusive, but frequently deal in drugs, weapons, stolen vehicles and other contraband, as well as aliens. In fact, smugglers are increasingly coercing illegal aliens to sell drugs as a way to earn the money to pay back the smuggler for their illegal entry.

INS works closely with INTERPOL in a broad range of enforcement activities. International cooperation is essential for the identification and prosecution of individuals and the destruction of organizations which deal in the international distribution of drugs, weapons and terrorism. Our efforts should deny drug cartels, organized crime and terrorist organizations the ability to move persons and drugs across our borders and other international boundaries through the regular exchange of information related to passport and visa counterfeiting. International investigations and extra-territorial prosecution can extend our reach beyond our borders to interrupt the flow of drugs at the source.

INTELLIGENCE INS has dedicated agents to the Vice President's National Narcotics Border Interdiction System and the interagency El Paso Intelligence Center to support multiagency intelligence gathering. Our strategy also calls for improvements in the exchange of intelligence, investigative records and other information from INS alien files and entry records which can help identify alien drug traffickers and trace their activities. Our Forensic Document Laboratory provides significant support to the detection of fraudulent passports and identities that have been found to be used by drug traffickers. New software and computer system enhancements will expedite the exchange of information between INS and police and court systems throughout the country. Enhancements to our intelligence analysis resources and telecommunications systems will increase the scope, accuracy and value of intelligence for strategic planning and tactical purposes.

Of special concern is the increasing sophistication of equipment used by drug traffickers to intercept law enforcement radio and telephonic communications, enabling them to stay one step ahead of us. We must increase the security of law enforcement communications. I also want to pursue initiatives which can provide new leads to drug trafficking, and prevent the immigration of alien drug traffickers and users. These would include testing to detect drug use by aliens applying for immigration or arrested in illegal status, and new analyses of INS arrest and investigative records to provide intelligence for task forces.

DEPORTATION The deportation of alien drug traffickers, and efforts to prevent their reentry to the United States, will deprive them of the ability to continue their crimes and assist state and local law enforcement to protect our cities. We need to increase the capacity and security of INS detention facilities to keep drug traffickers in custody during deportation proceedings, and sufficient attorney resources to ensure that deportation hearings and appeals can be processed as quickly as possible after conviction.

I also propose that INS, in cooperation with the Department of State, be empowered to enter into cooperation with appropriate agents of foreign government to share information, exchange evidence and participate in extra-territorial prosecutions related to extraditions, exclusions, deportations and removals of aliens. Surveys of state, local and federal prisons reveal a high percentage of drug offenders (in Los Angeles County over 60%) are illegal aliens. More aggressive actions to quickly take custody of and deport these drug offenders is essential.

TRAINING Drug enforcement poses unique problems for coordination of efforts between federal, state and local agencies. Tactical training programs are needed to improve operational coordination, increase officer safety, and build the expertise needed for undercover investigations and border task force operations. Specialized training classes should concentrate on concealed drug shipments, violence-prone criminals, hostage situations and similar needs.

To make optimum use of this expertise we will work with state and local law enforcement agencies to train officers in demand reduction programs patterned on the successful INS program. At the conclusion of their training these officers will have a 'carry home' package for local implementation, thereby greatly expanding the impact of the demand reduction program.

The INS Spanish Language training course is essential for other enforcement agencies, given the heavy traffic of drugs from South American source countries. We should also instruct state and local officers as well as officials and administrators of friendly and cooperating countries in border interdiction methods and detection of fraudulent travel documents. Local and state officers would also benefit from basic instruction in immigration and deportation laws.

These training initiatives would expand demand reduction programs and improve the effectiveness of interagency task force operations. Another benefit would be the improved cooperation between state and local police, courts and prison systems and INS investigative and deportation processes to ensure that alien drug traffickers are expeditiously removed from the United States. I also want to train INS personnel to detect the signs of drug use in aliens applying for immigration or apprehended for illegal status, to ensure proper treatment and prevent the introduction of drugs or drug paraphernalia into INS offices or detention facilities. The proposed Federal Law Enforcement Training Center campus at Artesia, New Mexico would provide an excellent location for may of these training initiatives.

LEGISLATIVE INITIATIVES Several specific law enforcement items must be included in any new drug legislation. INS agents have a high level of expertise in the investigation of organizations involving aliens, who make up a growing proportion of criminals involved in drugs, terrorism, fraud and violence. Yet our agents must frequently make citizen's arrests of major felons because

INS felony arrest authority is limited solely to violations of Title 8 of the United States Code. We have proposed language to provide general authority to arrest for felony violations of the United States Code. This will recognize the broad span of criminal activities in which aliens are engaged, and the role INS plays in federal law enforcement, without diminishing or encroaching on the authority of other agencies.

Our proposed language also provides explicit authority for INS officers to carry firearms in the line of duty. Our agents have had to rely on implied authority to carry weapons based on the nature of their duties as law enforcement officers. Providing clear statutory authority to carry weapons, as has been done for all other federal law enforcement positions, will give an unambiguous signal of the proper role of INS in law enforcement, and recognize the sacrifice of nearly 100 INS agents who have given their lives in confrontations with violent criminals.

As I have already mentioned, the deportation of alien drug traffickers, and efforts to prevent their reentry to the United States, will deprive them of the ability to continue their crimes and assist state and local law enforcement to protect our cities. Legislation is needed for expedited deportation proceedings for alien drug traffickers.

INS presently has explicit authority to seize vehicles and conveyances for forfeiture if they are used in alien smuggling. In FY 87 INS seized 9,723 vehicles which contributed $5.6 Million the Department of Justice Asset Forfeiture Fund.

CONCLUSION The strategy outlined above uses the full range of Service resources in a balanced approach to border and international interdiction, interior and extra-territorial investigations and prosecution, intelligence and international liaison, deportation, interagency cooperation, training and demand reduction. I believe there is strong merit in the case for more INS funding for drug law enforcement based on our significant contribution and proven ability. Our contribution has been particularly notable since the Border Patrol became a major participant in "Operation Alliance", and Service special agents were assigned to Organized Crime Drug Enforcement Task Forces. The return on the investment of these resources has been phenomenal. The number of seizures increased 112 percent in 1987, including over 100 tons of marijuana and over six tons of cocaine, and the value of drugs seized was almost equal to the INS budget. INS gains in drug seizures and arrests of drug traffickers have been realized due to the dedication of our personnel involved in patrols of the border, inspections at ports of entry, and investigations in our cities and overseas. We have increased our effectiveness by using border sensor systems and other equipment, and the exchange of intelligence with other agencies. These traditional law enforcement approaches should continue, but with a new, aggressive approach to the interdiction of drugs which includes the deterrence abroad of persons who transport or mastermind the movement of drugs.

With our current resources and authorities we have accomplished a great deal. We believe our current responsibilities have put us in a leadership role in drug interdiction, investigations of alien drug traffickers and their deportation. Our initiatives in education for demand reduction, intelligence and training can set the pace for other federal, state and local agencies. We look for the support of this committee to help provide INS with the resources and expanded investigative and enforcement authority which are needed to make the most effective contribution to the war on drugs.

PREPARED STATEMENT OF SENATOR MIKULSKI

Senator DeConcini. The Senator from Maryland has a statement that she would like to make?

Senator Mikulski. Mr. Chairman, I will just ask unanimous consent that my opening statement be placed in the record.

Senator DeConcini. So ordered.

[The statement follows:]

STATEMENT OF SENATOR BARBARA A. MIKULSKI

I want to welcome our panelists this afternoon and commend our chairman, Senator DeConcini, for convening this hearing.

I think when historians and policymakers in the next generation look back to see how our country responded to the drug crisis that now grips our land, I think Dennis DeConcini's name will stand out second to none in moving us forward to win this battle.

As the subcommittee and our panelists know, drugs is the No. 1 issue of the 1980's. Drugs corrupt, they corrode, and they kill. They threaten not only the user, but entire communities.

Last week, I held a field hearing at Potomac High School in Prince Georges County on drug abuse. I came away from that hearing convinced more than ever that we must redouble our efforts in fighting drugs if we are to save the next generation.

The students at Potomac High were committed to winning this fight and their courage to resist the pressures to use and sell drugs gave me hope that we can win this struggle.

Nearly three-fourths of the Senate has cosponsored Senator DeConcini's antidrug abuse legislation, S. 2205. I am proud to be part of this effort and look forward to hearing from our panelists today on this measure.

And while we must employ greater efforts to reduce the demand for drugs, I firmly believe that we must invest more resources in the fight to interdict drugs. That's why

S. 2205 is such an important measure—it will provide all levels of law enforcement—State, local, and Federal—with the tools they need to put an end to drug smuggling at our Nation's airports and seaports.

It's my hope we can enact some version of this bill this year and really take a major step before the next administration takes offices to turn the tide on this new kind of cancer which now threatens our very future.

Senator MIKULSKI. I want to thank you for the leadership you have taken in this most important issue. I think it is clear that we have to dry up demand and dry up supply. I am glad to see that we are focusing on the supply side of the issue, and look forward to today's testimony.

Senator DECONCINI. I thank you, Senator.

I yield to the Senator from Rhode Island, the distinguished chairman of the Foreign Relations Committee, for any opening statement he has.

Senator Pell. Thank you very much, Mr. Chairman. I have prepared no formal opening statement. I just wished to thank you for your invitation to be here and listen in as much as possible this afternoon. I only have one question.

How can you give the Coast Guard a sharp reduction in funds, and then expect them to increase their interdiction? I hope that answer will be forthcoming from the witnesses who are here.

I would like to compliment Mr. von Raab on his idea of stamping the passports. I think that it is an excellent one, and we ought to support it.

Commissioner VON RAAB. Thank you.

Senator DECONCINI. Gentlemen, I have a lot of questions that go from the Rand study, your views on that, to the Wharton econometric study, into specifics of the bill, particularly you, Mr. Nelson, as to what your U.S. Border Patrol have done.

I know that your staff is going to hate me after this, and you too, but I would ask that you try to answer those questions for me. They are very important. I have even written a couple of them myself. But my staff has worked a long time laying this foundation. I do have a couple of specifics that I want to ask today.

First of all, Admiral Yost, in S. 2205 there is $221 million additional authorized, and hopefully appropriated, money, if this becomes reality, to the Coast Guard. That is $186 million in assets, and $45 in personnel, and that is above what the President's budget calls for.

Can you tell me what that would mean to the capability of the Coast Guard to conduct its operations as you feel you are charged under the present law as it relates to drugs?

Admiral YOST. Our ability to interdict drugs is almost a straight line relationship with the amount of assets available. The need to stop drugs coming into this country is critical and, therefore, the need for assets to do so is critical. If we were to get $186 million in new money in this bill, we would put it to excellent use, and I have a list of things that we would do with that.

Senator DECONCINI. Of assets?

Admiral YOST. Yes; including E–2C's, including patrol boats, including communications, et cetera. We would put that money to a very, very good and effective use, sir.

Senator DECONCINI. Do you have adequate patrol boats today to do the job?

Admiral YOST. We don't today.

Senator DECONCINI. Do you have adequate E–2C's?

Admiral YOST. We have two E–2C's to cover the entire Caribbean.

Senator DECONCINI. How many do you need?

Admiral YOST. I don't have the numbers at my fingertips, but it is measured in tens and not in ones.

Senator DECONCINI. These are all apprehension assets. What about radios, in general figures, are we talking about a half a dozen radios?

Admiral YOST. We are talking about the need for satellite communications. We are talking about the need for secure communications. We are talking about the need for datalink between E–2C's and other units. We are talking about a significant addition if we are going to go to a full press, wartime footing against drugs.

I am not necessarily asking that we bust the President's budget.

Senator DECONCINI. I understand.

Admiral YOST. I am answering what is needed on a full press war on drugs.

Senator DECONCINI. Based on what you are going to supply us, the particulars on the asset side, as part of that is it considered that the coordination that already have established with Customs and other law enforcement agencies using their assets and vice versa, or is that just you doing it solo?

Admiral YOST. No; we are talking about coordination. You can't run any kind of a drug war, or even a drug operation without coordination between agencies. The entire air war is fully dependent upon the C^3I Center that the Commissioner and I are jointly running. Without that center, you don't have an air war.

Senator DECONCINI. Is that center running now?

Admiral YOST. The center is running in temporary quarters now in the basement of the FAA building at Miami International, with Customs taking the lead and basically making it run. The new center is not up yet.

Senator DECONCINI. With the $45 million, can you put in place 800 FTE's?

Admiral YOST. We lost 1,000 FTE's this year.

Senator DECONCINI. Can you assimilate another 800?

Admiral YOST. Without any doubt. The President's budget has almost that many in it.

Senator DECONCINI. Is it your testimony that without additional physical assets, radar, radio, satellites, boats, and what-have-you, you cannot do the job that Congress has continuously pressed you to do?

Admiral YOST. We cannot get above the current level of operations without more assets, and the current level of operations doesn't seem to be satisfactory.

Senator DeConcini. Any indication that all you need is operation and maintenance is just flat not true.

Admiral Yost. It is just flat not true. We need the operation and maintenance to run what we have which is not fully utilized.

Senator DeConcini. Mr. von Raab, S. 2205 calls for $125 million above the President's request for assets, and $30 million for personnel. Can you tell me what that would mean to your capabilities in 1989 and beyond?

Commissioner von Raab. An additional supplemental in our operation and maintenance budget would be used to flesh out our interdiction capability for tracking and apprehension. We are currently operating at capacity at two of our air branches right now 7 days a week, 24 hours a day, and 16 hours a day.

Senator DeConcini. In other words, you would put them all on a 24-hour basis?

Commissioner von Raab. We would move it up to 24~~-h~~ours a day, and it would als~~o~~ give us the capability of chasing up to three planes per air branch.

Basically, we would purchase Citation aircraft, modify some helicopters, upgrade some of our sensors in our high endurance tracking aircraft, and provide additional spares and other things to enable us to maintain our equipment at a higher level of readiness.

Senator DeConcini. Is it safe to say, to continue the war on drugs and to expand it to the maximum, you would have to have additional assets at least in this range?

Commissioner von Raab. As detection increases, which it is increasing, we are currently at about 18 percent detection and we expect that with the assets that are already paid for and currently on line, we would get up to 43 percent detection.

Senator DeConcini. Forty-three percent detection, you could get?

Commissioner von Raab. Yes.

Senator DeConcini. What do you have now?

Commissioner von Raab. We are at about 18 right now. But this money would not go into detection. This money would be necessary to support the aircraft that would respond to detection.

Senator DeConcini. The interdiction and apprehension, right?

Commissioner von Raab. We are at what we call about 6 percent total effectiveness against air smugglers coming into the United States. With the money we have at this time, we will probably hit around 20 percent. We believe that these additional moneys would probably push us up to about 28 percent.

Senator DeConcini. Where did you get the 40-some percent that you mentioned a moment ago?

Commissioner von Raab. That is detection, planes that we would detect.

Senator DeConcini. Actual apprehension, you think you could get up to 28 percent?

Commissioner VON RAAB. We define effectiveness just as the number of penetrations attempted, what percentage of those we would in effect stop.

This money would bring us up to about 28 percent, which we think is a good number because it is starting to cross into that area where we believe that people will start to get out of the business. If it is really easy to make money at a low risk there are more people in it. At 28 percent, you are looking at a real threat to not only the profitability but to the likelihood of going to jail.

Senator DECONCINI. Admiral Yost, do you agree with those basic figures?

Admiral YOST. I do. I can't comment as to whether we would get up to 28 percent, but I think we are about 5, 6, or 7 percent now, and we have assets funded that will bring us up to twice that. Whether we will get up to 28 percent, if we do, I agree with the Commissioner, it will have a definite effect on those people in the business.

Senator DECONCINI. Thank you.

Commissioner Nelson, this bill doesn't do enough for border patrol, I am afraid. There is $20 million there in assets. There is $3 million for the INS directly. I wonder if you have any examples for us of just how much of an increase you have had in the last year or two on apprehensions based on the U.S. Border Patrol and its involvement doing its enforcement of our borders along with the drug enforcement.

You have said many times that the best kept secret in town is the U.S. Border Patrols' involvement in drugs. I wonder if you can lay any of that good stuff on us here.

Commissioner NELSON. Thank you, Mr. Chairman.

As I indicated in the testimony, we have doubled the seizures in the last year, some $582 million last year by the U.S. Border Patrol, and that is done without any drug funding.

Now we have been fortunate in getting some additional immigration funding and that has helped us, but we are sort of limited there. Certainly, since we have done that amount of interdiction without any drug funding, the increase through your bill would be very well put to use. Clearly, a large part would be U.S. Border Patrol agents on the border.

We do have a couple of charts and, without commenting on them specifically, I could ask Mr. Leo to sort of flip through them, which I think will give you an idea, just looking at the bars, of the increase.

Senator DECONCINI. Is this the number of apprehensions?

Commissioner NELSON. This is the border seizures, narcotic seizures. The alien apprehensions were well over 1 million each year. It had reached as high as 1.8 million 2 years ago. It has gone down a little bit in the last year, hopefully because the Immigration Reform and Control Act is starting to work. But there is that interrelationship. Our belief, to be very honest, is that the money in this bill is far too little for the U.S. Border Patrol's and INS's share. If we have been able to do what we have done with no funding, we could do a great deal more with funding, again in coordination with the other agencies.

Senator DECONCINI. To what do you attribute the increase in seizures? Is there just more coming in, or are your people better equipped?

Commissioner NELSON. Mr. Chairman, I am sure that it is a combination of both. I think that it is more coming in, and the drug smugglers are better equipped. Also, I think we are doing a better job. All of us here are more focused on it and more attention is being given to it.

Senator DECONCINI. How much money, as far as assets and personnel in 1989, could you effectively use over and above what the President's request is?

Commissioner NELSON. We could easily use well over $200 million, and I am talking not only the border but the interior interdiction efforts in coordination with the other agencies.

Senator DECONCINI. That would be primarily for the U.S. Border Patrol?

Commissioner NELSON. A good part of that would be for the U.S. Border Patrol, although the organized crime drug enforcement activities that I alluded to would be a part, and the intelligence.

Senator DECONCINI. And the education.

Commissioner NELSON. The education, but that would be a small amount because that will not take a lot of money. The U.S. Border Patrol would be a very significant share of it.

Senator DECONCINI. How many FTE's would that be?

Commissioner NELSON. I don't have an exact figure on that, but I think we could be talking about 500 FTE's for the U.S. Border Patrol, and probably an equal number or more in terms of investigators and other support staff in the interior.

Senator DECONCINI. If that was authorized and appropriated for 1989, prior to September 1, what would be the timeframe that you could get those people on board, in the field, in the jackets, in the equipment? Do you have any estimation?

Commissioner NELSON. I can only reiterate what Admiral Yost said. We are committed to being able to do it currently. By the end of this calendar year, we will have all of our funded U.S. Border Patrol positions on duty. There has been a massive recruiting and training effort there. If we got the additional resources, we would also be able to do that.

Senator DECONCINI. You could assimilate another 500 over the President's budget request.

Commissioner NELSON. We could. It would be a scramble, but we could do it.

Senator DECONCINI. Even with the low salary?

Commissioner NELSON. That is a problem, but we could do it.

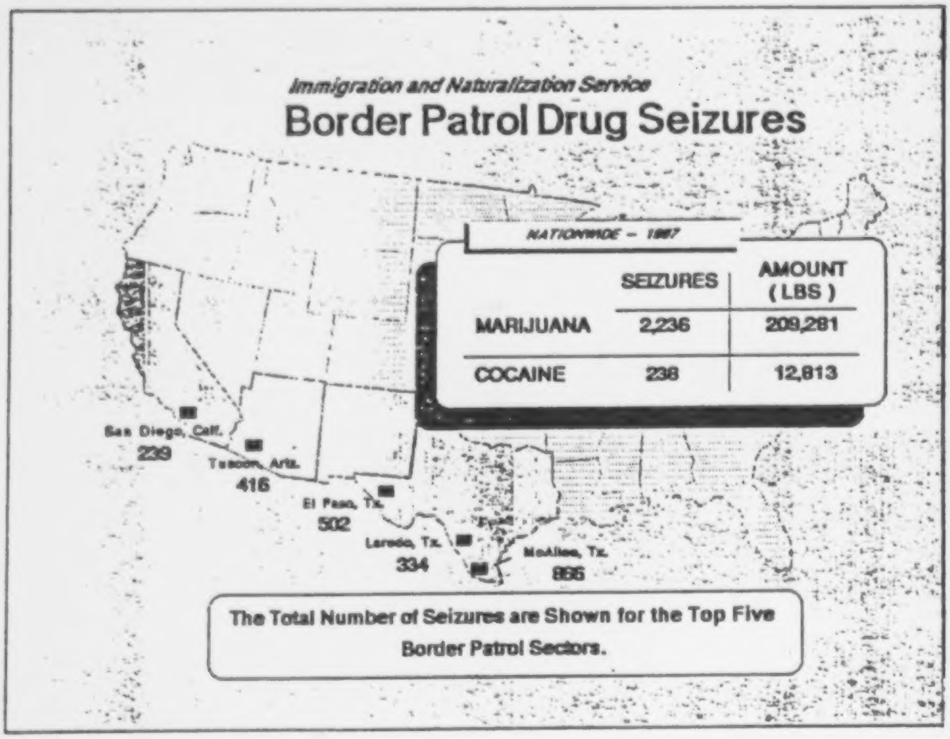
Senator DECONCINI. Do you want to explain that chart for us?

Commissioner NELSON. These are just indicating the value of the seizures. In 1987, the far right column, 582 million dollars' worth, these are U.S. Border Patrol seizures on the land border. The other figures are indicated on the charts.

Senator DeConcini. Thank you. We would appreciate those charts, if they are reduced. I have one of them here, and we would like to put them in the record.

Commissioner Nelson. We will provide those, Mr. Chairman.

[The information follows:]



Immigration and Naturalization Service

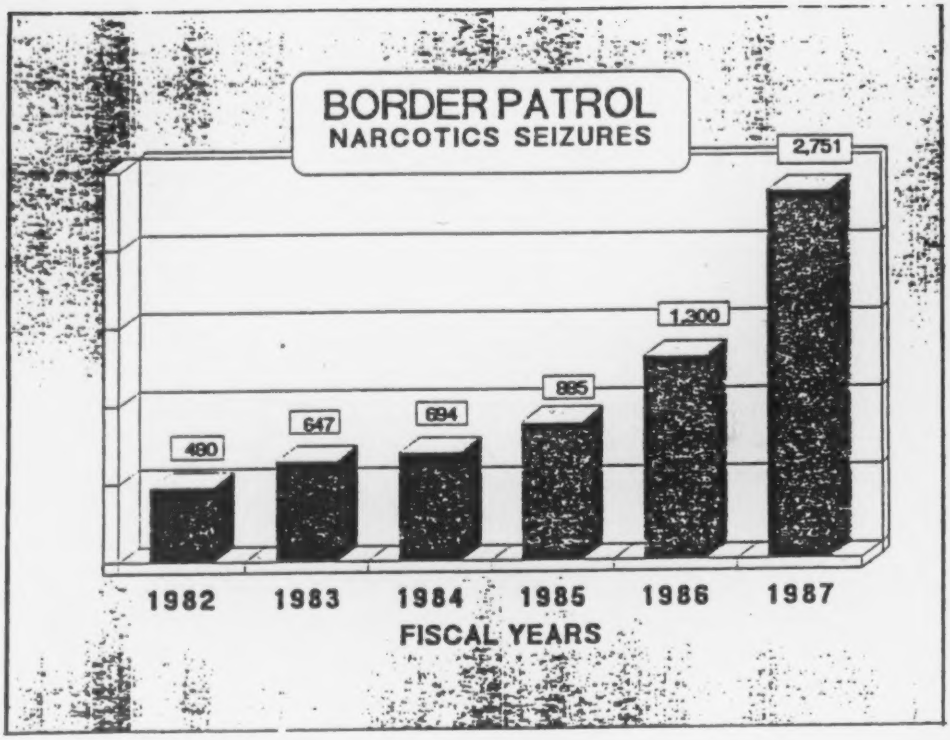
Border Patrol Drug Seizures

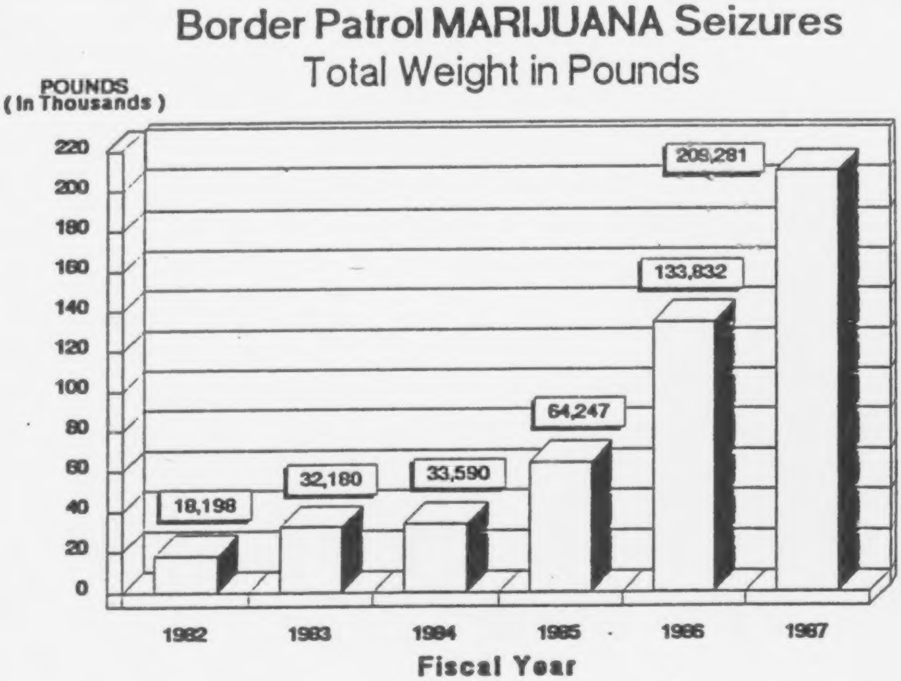
NATIONWIDE – 1987

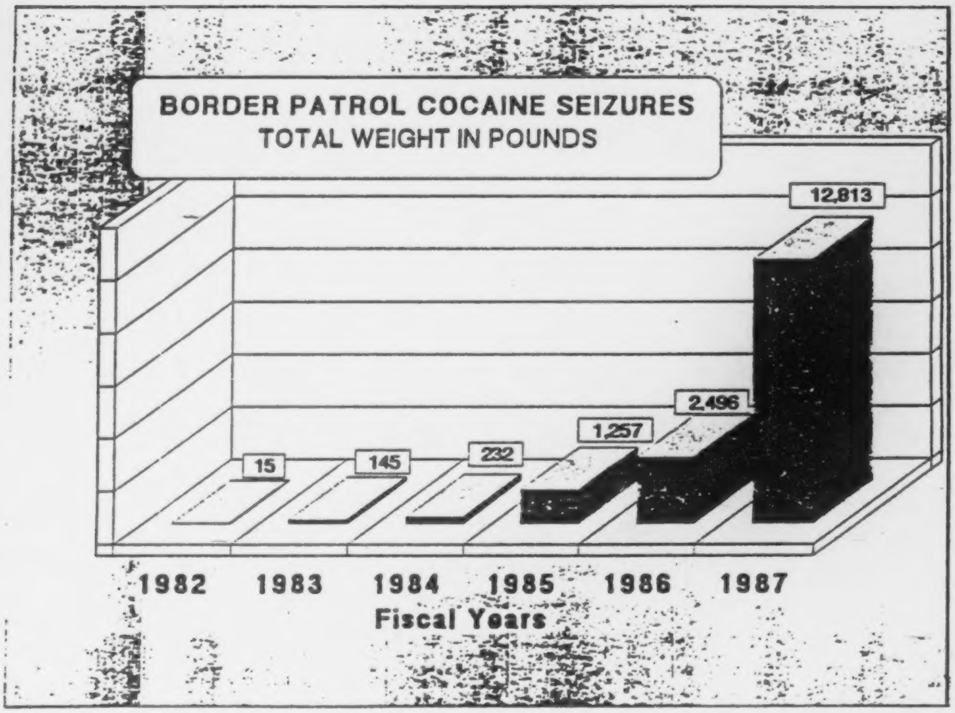
	SEIZURES	AMOUNT (LBS)
MARIJUANA	2,236	209,281
COCAINE	238	12,813

The Total Number of Seizures are Shown for the Top Five Border Patrol Sectors.

San Diego, Calif.
239
Tucson, Ariz.
416
El Paso, Tx.
502
Laredo, Tx.
334
McAllen, Tx.
866


BORDER PATROL
NARCOTICS SEIZURES
480
647
694
885
1,300
2,751
1982
1983
1984
1985
1986
1987
FISCAL YEARS


Border Patrol MARIJUANA Seizures
Total Weight in Pounds
POUNDS
(In Thousands)
220
200
180
160
140
120
100
80
60
40
20
0
18,198
32,180
33,590
64,247
133,832
209,281
1982
1983
1984
1985
1986
1987
Fiscal Year



Senator DeConcini. That one, obviously, deals with cocaine, and it is a tremendous increase in 1987.

Commissioner Nelson. Right.

Senator DeConcini. Are you experiencing the same thing in 1988?

Commissioner Nelson. Yes; actually, the trend in the first quarter of 1988 has been even higher than the 1987 figure.

Senator DeConcini. Mr. Keating, this will be my last question, and I will yield.

In S. 2205, we have a number of other areas of great concern. One is $73.8 million for the U.S. Marshal Service; $10 million for the U.S. attorney for 200 additional prosecutors. We have $38 million for 400 additional FBI agents; $60 million for an additional 224 FTE personnel in the DEA; and $48 million in additional assets.

Are you familiar with these figures at all and can you give us any opinion as to what this would do in addition to what the President has asked for the effectiveness of the Justice Department in carrying out its duties in the drug war?

Mr. Keating. Mr. Chairman, as you know, I have been at Justice for a grand total of 3 weeks, so I am not intimately familiar with all of the budget requests and budget needs of the investigative components, except I can make several observations about the U.S. attorneys.

Part of the summit discussion which the administration hopes to have either as a summit with the Members of the Congress on this bill, or any other bill which will address the problem, will seek to address the fact that we do have a tremendous explosion in seizure cases, asset forfeiture seizure cases, and criminal cases which will require us, in order to keep up with that explosion, to have additional U.S. attorneys, additional assistant U.S. attorneys and, we believe, additional magistrates and judges as well.

This is something that we have not put a hard and a short pencil to to give you an exact figure, but the reality is, just as you can see from these statistics, the very impressive statistics presented by Admiral Yost and Commissioner von Raab, that if, as we have on the Southwest border, we increase the number of seizures and the number of cases from two to three times, we have not increased the number of prosecutors available or judges and magistrates available by anywhere near that equal amount.

As far as additional DEA or FBI personnel are concerned, the funding level through 1989 are, as far as they are concerned, satisfactory to permit them to carry out their responsibilities. Obviously, we are bound by the budget summit. If the budget summit is off, then people are going back to the drawing board.

Senator DECONCINI. Is it safe to say, with the limited time you have had there, that additional resources, both assets and FTE personnel, you can do more in the Justice Department, DEA, FBI, U.S. marshal, and U.S. attorneys?

Mr. KEATING. I think that is a very accurate characterization.

Senator DECONCINI. Do you also agree with the testimony from Admiral Yost and Commissioner von Raab that they, in your judgment, need additional physical assets in order to raise that percentage above what the President has asked for?

Mr. KEATING. Yes; you may well recall, Mr. Chairman, when we presented the interdiction strategy to you and to Congressman English, and others, we said that we were satisfied with our ability to implement the strategy through fiscal year 1989 considering the budget summit.

Subsequent to 1989, with the budget summit not applying, then we are right now developing our best case scenario to aggressively pursue this agenda, and it will require additional resources.

Senator DECONCINI. The last question, Mr. Keating. Do you see anything in S. 2205 that is in conflict with the strategy as you see it on the Drug Policy Board and the administration, just on the interdiction side?

Mr. KEATING. No; I do not.

Senator DECONCINI. Thank you very much.

I yield to the Senator from Massachusetts for any opening statement that he may have.

Senator KERRY. I have no opening statement, Mr. Chairman. Thank you.

Senator DECONCINI. I yield to the Senator from New Jersey for questions.

Senator LAUTENBERG. Thank you very much, Mr. Chairman. Once again my compliments to you for your leadership in this fight against drugs.

There are a few things that I would like to air.

Commissioner von Raab, I don't see a statement that was submitted by you or your Department for review by the committee. Was there one?

Commissioner VON RAAB. No; we consulted with the staff and they said that there was no need for us to submit a statement, I hope that is accurate, at least that is what I was told. If you had wanted a written statement——

Senator LAUTENBERG. I, frankly, would have wanted one. It would have given us a chance to see where you are going. You were a little late in coming, and I didn't know how much focus you put into this hearing. It is helpful when you have a chance, in advance, to look over the comments that various departments have to make.

Senator DECONCINI. Senator Lautenberg, I will take the responsibility for that. We did not tell them that they should submit a statement as is normally the case because of the rush of this meeting. I really wanted to have a chance for the members to ask questions. Commissioner von Raab did talk to my staff, and my staff mentioned it to me. I regret not mentioning it to you until this moment, and my apologies for that.

Senator LAUTENBERG. Not at all.

Commissioner VON RAAB. I will be happy to give my statement.

Senator LAUTENBERG. It is so customary that I just assumed that Customs would, as it is the custom.

Commissioner VON RAAB. I will be happy to give longer answers to your questions.

Senator LAUTENBERG. No; I like questions that are more direct, and your informal statement didn't give me a lot to go on either. The answers don't have to be long. As our distinguished colleagues from New York and New Mexico pointed out it is time to put aside the interdepartmental bickering, the turf wars. We have a war that all of us want to win. It is so easy to salute just putting more resources in it, and I do want to put in whatever ammunitions the guns need when we have to fire them.

However, we must agree that any assets we do have are employed as efficiently as possible. One way not to have them employed efficiently is to enter into debates or discussions about who does what.

We are at times in overlap mode, and maybe that is necessary. I think it is a good idea to enable the military to provide surveillance and intelligence gathering and be part of this commitment—the national commitment to win the war on drugs.

I would like to ask you, in particular Customs and the Coast Guard, what, if anything, would you recommend that we do differently, each of you from your own departmental perspective, to make this task more efficient, in short form?

Commissioner VON RAAB. One of the things that the Congress could do, and in many cases it does, but sometimes it fails, is to recognize the agreements that Customs, Coast Guard, and the U.S. Border Patrol have. There is no bickering among the agencies sitting before you.

I have often been somewhat critical of actions that have been taken by the Congress, and at times by the administration. One of my criticisms would never be that there is bickering among these agencies. However, at times, agencies are presented by their own committees with opportunities for resources. We have split up our responsibilities. There is a unified command and control in some cases, and in other cases, a general sort of organization.

I do think that it would be useful if the Congress would reflect those arrangements and allocations that we have made. For example, in the air, there is a split up in which the Coast Guard is responsible for surveillance, and the Customs Service is responsible for tracking helicopters. Therefore, it is bad for Customs to be carrying moneys that are, in effect, for surveillance, it is just bad management, bad government.

If we could be assured, as we go through the budget process, that the moneys would be put in the right places for the organizations, it would be a big help that I would see that Congress could adopt.

Senator LAUTENBERG. Admiral.

Admiral YOST. Let me support what the Commissioner has said. I don't see any bickering, but we do have the problem that he referred to.

For instance, he and I have agreed that I would take over the operation and the maintenance of all of the aerostat balloons. What that means is that I must come to you, my chairman, and say: I have just taken on another $10 or $20 million a year worth of obligation. If you say to me: I can't support that, then the agreement that he and I have made begins to get very fuzzy, and the other subcommittee chairman gets into it.

Senator LAUTENBERG. The balloons are a fairly easy example. Let's talk for a moment about air surveillance. Do you divide tracking from surveillance?

Commissioner VON RAAB. Yes; the agreement we have gives the responsibility for surveillance to the Coast Guard—it is under a unified command, though, don't get the impression that we just say: It is yours. Go do it. It is all coordinated. Surveillance resources should go to the Coast Guard.

Senator LAUTENBERG. The Coast Guard, out there, looking for invaders, looking for drug carriers, looking for people who would come into our space, gives a signal to Customs.

Commissioner VON RAAB. They actually give a signal to a unified command center that we have, which we operate jointly.

Senator LAUTENBERG. Are we talking the same communications vocabulary? Are we using the same language, really, to get things moving along?

Commissioner VON RAAB. Paul, do you want to talk about the interoperability of communications? You are an expert on that.

Admiral YOST. Interoperability is a problem that we have in this Government—in the Department of Defense, as well as in the agencies outside the Department of Defense. We are all working on it. The

Coast Guard has fairly good interoperability with the U.S. Navy, but the Navy, the Army, and the Air Force have some interoperability problems.

We have some interoperability problems with Customs, and we are working those out, but it is not something that you can just change a few regulations and make it come out. It means new equipment, equipment that is compatible. It means new buys of equipment that have to be compatible, and we are working on that, but it won't happen overnight. I would give us a B-plus right now in interoperability with Customs, but it means that we have a way to go.

Senator LAUTENBERG. Is there kind of a manual interface in here who is saying: OK, this is what this guy said out there. He saw something happening. We want to get Customs tracking?

Commissioner VON RAAB. If you would go to, and you are certainly invited, any meeting, regardless of what level it is in the Government, on interdiction, if you go on the east coast, which is largely maritime and air, you will find that there are Coast Guard officers, Customs officers, always in the same rooms, the same table, discussing the same issues.

If you go on the Southwest border, you will not necessarily find Coast Guard officers in Arizona, but what you will find is U.S. Border Patrol, DEA, and Customs all under what we call Operation Alliance, which is a joint operation.

There is joint management and joint participation really at all levels of the interdiction effort. I think that that is really quite a remarkable accomplishment of this administration, and particularly the Attorney General who has made this a very high priority. It has worked very well.

Senator LAUTENBERG. I would assume that if there is cooperation, my concern is what can we do to help make it better.

You have this interoperability problem. Obviously, it is something that you are working on. It would be great if it were all put to bed and you were all communicating in the same way. That is a goal, I assume, that we are working toward. I don't know whether B-plus is for effort, Admiral, or if it is for accomplishment.

Admiral YOST. Let's be sure that we are talking about the same thing. When I talk about interoperability, I am talking about a Satcom system that can't talk to another Satcom system, and you need a manual interface in-between that is taking the data from one Satcom and feeding it into the other Satcom. That is poor interoperability. We are working on those problems, but they are expensive and they are contractual, and it takes some time.

The B-plus is right now, where we stand in being able to communicate effectively between a Customs boat and a Coast Guard aircraft.

Senator LAUTENBERG. Is that a problem of manufacture or purchase from different vendors and suppliers?

Admiral YOST. Yes.

Senator LAUTENBERG. It is that kind of thing?

Admiral YOST. Yes.

Senator LAUTENBERG. How does something like that get coordinated? Are those problems largely behind us?

Admiral YOST. It gets coordinated by the Drug Policy Board.

Senator LAUTENBERG. Do we know if we buy a telephone, or something as simple as that, that it is supposed to work in the main system? What creates that kind of thing?

Admiral YOST. What creates that is that the Coast Guard buys equipment in order to do its mission, and that equipment needs to be interoperable with certain aircraft radios that we already own, certain big ship radios that we already own, so we put a radio on a boat that will talk to those two. We now have to be sure that it also talks to the Customs radios and they talk to us. So when we buy new stuff, we work that out, and we do it through the Drug Policy Board.

Senator LAUTENBERG. That is through the coordinated headquarters.

Admiral YOST. Yes; it is not anything we need any help with at this point. We are working on it.

Senator LAUTENBERG. It costs money.

Admiral YOST. It costs money.

Senator LAUTENBERG. I want to ask you, Admiral, the figures I have in front of me are astounding in terms of the numbers, 3 million sea containers in 1986, 4 million sea passengers, 209,000 vessels of various types entering our waters. You have about 2,000 vessels and 180 aircraft of all types that are used in interdiction. Am I right so far?

Admiral YOST. You are in the ball park.

Senator LAUTENBERG. The odds against total interdiction are pretty high, and against a substantial part of the interruption of the flow, which is the desirable goal.

What percentage of the drugs that come through these channels might you be able to stop?

Admiral YOST. Let me say first that those figures were developed under the chairmanship of the Commissioner. The total number of things coming into this country, they are astounding as the Commissioner and I readily agree. The only solution to this, the only salvation, is a sorting process that tells you what percentage of these things could possibly be carrying drugs.

That is the trick, sorting those ones that are suspicious. You can't possibly open up all the containers or investigate all the airplanes. We are doing a relatively good job of sorting—sorting you do with profile; you do with flight plan; you do with intelligence.

Senator LAUTENBERG. It is a fairly organized process.

Admiral YOST. Yes.

Senator LAUTENBERG. The susceptibility factor is a big indicator.

Admiral YOST. Yes.

Senator LAUTENBERG. Let me ask you this, Admiral. You know very well, we talked just before the hearing today, that we are committed. I am committed to getting you the resources, as I am with all Departments of government that are fighting the drug battle. I, too, am tired of hearing empty threats against drug dealers. We are committed to giving you the resources.

You did say that roughly 55 percent of your routine patrols, that is the language that you used, would have to be eliminated, or are eliminated on the track that we are on now. Is that correct?

Admiral YOST. Yes, sir.

Senator LAUTENBERG. What effect does that have in terms of seizure opportunities?

Admiral YOST. Let me say, first, you and I did talk before this hearing, and I understand how hard you have been working for the Coast Guard in this regard. I was delighted, in your statement, to hear you say, "I will do all that I can to supply the resources to operate these assets for the Coast Guard."

I understand that you are one of the most powerful subcommittee chairmen in this Congress, and I am glad you are my subcommittee chairman. I will hold you to doing all you can to supply the resources I need.

Having said that, we now have a shortage of resources for this last fiscal year that you and I have discussed. We both worked very hard to see that didn't happen, but it happened anyway, and this caused me to reduce my routine patrols by 55 percent.

Those routine patrols are responsible for interdicting about 90 percent of all of the marijuana that I interdict. Straightline, you would say, I am interdicting only about 50 percent of the marijuana I would have interdicted last year. This was a major, major hit.

I am on your side, and you are on mine. I think that we ought to be committed in the entire full committee, as well, to providing your subcommittee whatever resources it needs to fully fund the Coast Guard, and we have not been able to do that last year, sir.

Senator LAUTENBERG. I understand that our distinguished colleague from New Mexico——

Admiral YOST. I don't know whether he is laughing at me or with me.

Senator LAUTENBERG. No; Senator Domenici is very serious about things, and when he laughs, it is a real good joke.

Senator DOMENICI. I was just thinking that we get a lot of advice from all over the place.

Senator DECONCINI. We will yield to the Senator from New Mexico for his questions.

Senator DOMENICI. I just have two, and they will be quick. Whichever one of you thinks he knows the answer best, just answer this.

Let's take cocaine. What is the value of the coca product out there in that field where it is produced, and what is the street value of a comparable unit in the United States?

Commissioner VON RAAB. I think the farmers get something around $7 or $8 a pound for the cocaine.

Senator DOMENICI. The producer.

Commissioner VON RAAB. When it hits the street, it gets very complicated because it is changed in its purity and other things. But you really get around $200,000 a kilo in a pure state on the street. The best factor to use is 10. Every time that any piece of contraband turns over, there is almost a VAT, value added tax, and it goes up by 10.

Senator DOMENICI. Tenfold.

Commissioner VON RAAB. Tenfold, 7 goes to 70, and 70 goes to 700, and 700 goes to 7,000. That is sort of the way it works and if you look at the system, you will see that the farmer sells it to the guy that manufactures it. The guy that manufactures it sells it to the exporter. The exporter sells it to the wholesaler.

Senator DOMENICI. Could you stay with your $7, and just ballpark for the committee; go from the $7 to its comparable unit on the street in the United States?

Commissioner VON RAAB. I don't know if it is going to work. But your seven bucks would go to a manufacturing plant. At that point, they would probably sell it to the next stage in the process for about $70. That would then come to the United States, and it would be at about $700. Then that would be sold to the wholesaler at $7,000. Then you would see the next step at $70,000, and there we are talking a pound. It is basically how it multiplies up.

Senator DOMENICI. So that it is fair to say that $7 yields $70,000 in the street?

Commissioner VON RAAB. That is assuming that the labor and the risk that they have taken have no value.

Senator DOMENICI. Mr. Chairman, the only reason I raised that question is that is the number I received. While we cannot stop the war on interdiction that we have going, and we must do that, it is clear that when our constituents tell us that we have to stop the demand in some way, you don't need anything more clear than that.

There is nobody who is going to tell you that based on just the human instinct applied to economics that $7 yields $70,000, with the players in-between all taking a piece of that exponential pie, 7 times 10, 70 times 10, et cetera, there is no way you are going to stop it with interdiction; you have to cut the demand also, and cut it substantially.

Having said that, might I ask Mr. Keating a question?

Mr. Keating, assume that you are satisfied and advised the President that to the extent that his budget requested moneys for this entire area, that we have in our allocation process, in our appropriations process, reasonably allocated resources, where he had asked us to within the summit limits.

If it is not a fair assumption, we will have to correct it as we move through trying to move with the next step. But for purposes of my question, would you assume that with me for a moment, and then answer a question for me.

If that is the case, so that we are not trying to borrow or rob Peter to pay Paul within the discretionary programs by spending some drug money somewhere else, that is the basic hypothesis, and we are not doing that, then I ask you this question:

Is there currently any assessment of whether or not the President is going to support using some additional resources in the war on drugs, be it the entire amount required by the omnibus bill, or some lesser amount or some greater amount, whichever the case may be, in a bill satisfactory to the administration with reference to its surge, its impetus?

Has there been any discussion of whether or not the President is going to support some additional money?

Mr. KEATING. Senator, I think the best way for me to answer that is to say that what the administration wants to do is sit down with the Congress, as the President has proposed, present some 300 individual proposals to the Congress for statutory change to make this drug effort more successful than it is today, and to examine a series of funding options, some of which have been presented in your bill and Senator DeConcini's bill, and others, to determine (a) where additional funding could be found; and (b) where that additional funding, if found, could be spent.

If the pie is a limited pie, as I expect it will be, then the administration and the Congress will attempt to come together on a prioritization of the expenditure of those moneys.

I mentioned to Senator DeConcini that looking at the stark reality of our needs, we see that we are building more prison spaces, and that is necessary, but by the same token, we see that we need additional interdiction assets; we see we need additional assistant U.S. attorneys; we see we need additional judges; we see we need additional funds overseas for the purpose of military assistance, economic assistance for eradication. There is a whole host of things, assuming there are additional funds available that could be used for the purpose of making this investment.

That all is something that hopefully will occur within the next several weeks if and when this summit occurs. I might say that what the administration, and what all of us are most concerned about, is what is happening to our 1989 budgets.

For example, the House Appropriations Committee, for fiscal year 1989, the cuts that it applied to the Department of Justice would cut 177 DEA agents, 3,400 positions from the Bureau of Prisons, as well as $574 million, 566 attorney positions from the U.S. attorney's, and 161 marshals.

We would hope that the President's request for 1989 would be fully funded, that the summit would occur, and we could sit down and examine (*a*) these funding sources, and (*b*) the investments that would follow those sources.

Senator DOMENICI. I don't disagree with your argument. My question nonetheless is: We cannot spend additional moneys or raise additional revenue through enforcement of existing revenue raising laws without breaching the summit on both sides of the ledger, be it $500 million in revenues or $1 billion, and expenditures of that amount.

I don't know what is right. I don't know that everything purportedly requested in this authorization bill that we are having the hearing on ought to be done this year, but I urge you to seriously consider the fact that we are going to need some additional resources, you already know that, even with the assumption that we should first fund your program.

I urge that you begin to urge the administration to give serious consideration to supporting an overall package. You get some of what you need by way of substantive law change, criminal law change, and other things, and we get some of that, but obviously some moneys have to be spent and we have to find those moneys in addition to the summit and revenues to pay for them.

Without that, I am fearful that there is going to be no bargaining; it is going to be just a war of rhetoric as to who did more or who did what to whom. Frankly, I don't believe any of us want that this year. I think that we want to do something substantive, and this is the reason that I stayed here.

I have a lot of questions, and I am going to submit them to you all. At your leisure, if you would answer them, I would be most pleased. Thank you very much.

Thank you, Mr. Chairman.

Senator DeConcini. I yield back to the Senator from New Jersey to finish his questioning, and then the Senator from New York.

Senator Lautenberg. Thank you, Mr. Chairman, and our colleague from New York. I won't be too much longer, a couple of hours will do me, and then you can have it back. [Laughter.]

Senator DeConcini. We are going to stay here a while. I have some more questions.

Senator Lautenberg. Just wanted to try again. You have not heard anyone here say that they are unwilling to try to get you the resources. As a matter of fact, I think what you heard is people on this side of the table kind of putting the questions out there of what do you need. Again, I am for efficiency wherever we can get it, and that is why I asked the questions that I have, because we would like to make whatever dollars are available used effectively.

I am concerned. I wanted to ask either Admiral Yost or Commissioner von Raab about equipment that has been purchased of late, the E–2C's. Are they performing OK? Do we have any problems with them that would curtail their effective use to the extent that we would like to?

Admiral Yost. First, the E–2C's weren't purchased for either the Commissioner or myself. They are on loan from the U.S. Navy. They are about a $40 million weapon system. They are used aircraft that had had about one-half their lives expended in very rough duty. They are a carrier based aircraft.

About the time that the Commissioner and I got our E–2C's, the Navy discovered a serious wing problem with the E–2C. It was a mid-panel problem. That problem has now been corrected in all of the E–2C's. As they were correcting the problem, almost on top of correcting that one, they then found outer-wing panel problems. Those are major, major problems.

My aircraft will both be down and down hard in the middle of August. We have petitioned the Navy for another few hundred hours. The Navy engineers feel that probably that would not be safe. With the current figures, I will have two aircraft down hard as of mid-August, and we don't have—the U.S. Navy, the Coast Guard, Customs—an engineering fix for that. I think there will be one, but I don't think that it is going to be real soon.

Commissioner VON RAAB. Just to pick that up. The Customs Service has two E–2C's, one of which is called A–4. By the way, that lets you know how old it is, it means that it was the fourth one off the assembly line. This has been out of action 70 percent of the time we have had it. The A–35, which is a newer one, has been out of action 56 percent of the time that we had it with the kinds of problems that the admiral described.

Senator LAUTENBERG. What can we do? It is important that these things are up in the air even more hours than they are fully scheduled for, and they are not flying those. What do we do in the interim to kind of keep things going and make sure that we are not missing the seizure opportunities?

Admiral YOST. We are blind without a good AWACS presence in the maritime area. We need AWACS. You can get it a couple of ways. One way is the E–2C, which we both have. The other way is the E–3, which is an Air Force aircraft, and it is providing time to the maritime area. It will be a help, but we do need a reliable AWACS aircraft. I would say that the U.S. Navy does as well. These aircraft are required in the carrier battle groups. The Navy is having as much problem as we are, and it is a major national problem at the moment.

Commissioner VON RAAB. There are a number of steps that could be taken to improve the E–2C program. One is that it would be nice if Customs and Coast Guard were given aircraft that weren't already worn out when we got them.

Senator LAUTENBERG. I wasn't sure whether you said "Hughes" or "used" aircraft before. You said "used."

Commissioner VON RAAB. I will not even described these as the used car dealers do, as previously owned. I would say that they were previously worn out.

Customs and Coast Guard will have to get a priority for parts and repairables, which is technically called FAD–2, which means that we would have at least the same priority consideration as a deployed E–2C squadron would have. We will need some additional critical spare parts, and we must be authorized to order replacement parts when a problem is detected, not after the aircraft has already been grounded.

Last, I would point out that we are getting a P–3 with E–2C radar on it that we expect to be seeing in operation very shortly. My understanding is that it is working very well. That is the kind of an aircraft that the Admiral is referring to that would ultimately solve some of the problems. It would not necessarily mean that we don't need E–2C's. It just means that it would be a useful addition to our fleet.

Senator LAUTENBERG. In 1986, we provided $46 million to the Navy for radar equipped airplanes.

Admiral YOST. I think that it was $45 or $46 million in the Navy appropriation to convert the C–130 to an AWACS aircraft. At that time there was a great discussion within the administration and with Congress on whether converting anything to AWACS was feasible.

The Navy took the position, as did the entire Department of Defense, that you couldn't convert an aircraft like a P–3 or a C–130 to AEW aircraft for less than about $250 million. At that point, I asked that that $45 million be reprogrammed so that I could use it for my Falcon aircraft radars.

The Commissioner was either somewhat wiser or more fortunate because he had an unsolicited bid from an aircraft company to convert a P–3 for a total of $19 million. I was assured by DOD that the Lord Himself couldn't convert a P–3 for $19 million, and I took that at face value.

The Commissioner now assures me that this aircraft company has almost succeeded, and I am waiting with bated breath. If they do succeed, it may be a possibility that we would want to convert more long-range fixed wing, newer aircraft to AEW, but that is a project that I might not be able to carry out.

Senator LAUTENBERG. It would be a step forward if things do come in there close.

Commissioner VON RAAB. We expect that that will come in around $20 million. The assumption is that the next one, obviously, as you know they always give you the first one a little cheaper, would come around $31 million.

Senator LAUTENBERG. With the experience factor, the second one ought to be cheaper.

Commissioner VON RAAB. They usually lead with their best price, but we were aware of that. It was important that we get the aircraft in the air, and I think they probably took a little bit of a loss on that.

Senator LAUTENBERG. How about the Falcon jets, are they doing what they are supposed to do? Are they equipped for the drug interdiction war? How many of those are operational?

Admiral YOST. We are converting nine Falcon jets. We own the jets. The conversion is running somewhat above $5 to $7 million a copy. We have three of them completed. Two of those aircraft have just gone operational within the last week. They are in training now to train the crews. We are getting about one every month or every 2 months.

Senator LAUTENBERG. How are they working generally? Are they reliable?

Admiral YOST. They are a reliable aircraft. They have some engine problems. The engine problems are contingent upon sufficient spare parts and sufficient spare engines. We had a hearing on that in the House. The report of that hearing was just published.

It was a very divisive hearing, with Members of the House taking almost divergent views. It was my view that the aircraft is, in fact, reliable, that we can support the aircraft. I committed myself to that committee to support those nine aircraft in an exemplary way because they had the expensive radar on them.

Senator LAUTENBERG. If you could go back and remake the decision, would you now, knowing what you do know, have chosen the Falcon for this mission?

Admiral YOST. Of course, the Coast Guard didn't choose the Falcon, it chose another aircraft, at which point a Member of the House, who is no longer a Member of the House, objected and required us to go out competitively. We were on the end of a DOD contract.

We did go out competitively and we ended up with a French airplane. We have had some problems with it, not with the French part of it, it is the American engine that is giving us the problem. Frankly, without the help of Congressman English and Congressman McCandless, and some others who have worked very hard on that engine company, we wouldn't be in as good a shape as we are. But it is a usable, workable, reliable aircraft, it is just costing us some trouble keeping it that way.

Senator LAUTENBERG. Obviously, these are some of the problems. It is not going to make a total difference, but these are the things that concern many of us here in terms of providing resources and getting the most efficient use out of them. It is very hard to repair old buggies and make them into sports cars and speedway winners. That is the problem, it is very hard around here to say: Hey, listen, we ought to do it the right way and get it done. But you keep making do, and we congratulate both of you.

One last question for Mr. Keating. The volume of interdiction improves. The number of seizures improves. Perhaps that is only a reflection of the volume of stuff that is coming across in various forms and various places. Is the Department able to keep up with its share of the responsibility in terms of prosecution, in terms of convictions, in terms of providing facilities to incarcerate? What are the problems that you have?

Mr. KEATING. Mr. Chairman, as I indicated, and as you indicated, we have made dramatic strides in the last several years. Our total number of seizures is an all time high. The total number of arrests and convictions is at an all time high. The total amounts of narcotics seized, witness the statistics that the U.S. Border Patrol provided us, are at an all time high.

We are, for example, on the Southwest border, as Senator DeConcini knows, succeeding as never before, not only because we have new resources, but we have unprecedented cooperation. We have cross-designated people. We have given, for example, the U.S. Border Patrol and Customs title 19 authority. Instead of just looking into trunks for illegal aliens, they can look under hubcaps for illegal drugs. We have taken title 21 authority from DEA and shared that with the Customs Service and with the U.S. Border Patrol. As a result, we do have this mushrooming, this explosion of extremely successful cases.

The number of cases that are being filed and asset seizures and forfeitures is unprecedented. The number of people being jailed is unprecedented. We have, in the fiscal year 1989 budget, funds requested for new prison construction to meet this explosion.

We find now, and we hope that this is a subject that will be discussed and resolved at the executive/legislative summit on this subject, hopefully by the end of this month, we find now that we are in need of additional prosecuting resources and probably in need of additional judicial resources. There is no way that we can have these kinds of figures and not have a blockage somewhere in the pipeline.

Senator LAUTENBERG. All right, Mr. Keating, so that we are clear on the dialog that you were having with Senator Domenici, did I understand at that point that you said that you had sufficient resources to do the things that your part of the Department was assigned to do? I assume that the answer would be what you just gave us here, that you could use more.

What percentage of these arrests result in convictions? Are we seeing such a volume of traffic, Mr. Nelson? That this figure goes up doesn't necessarily mean we are gaining on it, by the way, does it? It means that we are gaining in absolute terms, but in proportional terms, maybe there are just more suppliers out there.

Commissioner NELSON. I would say that looking at our seizures this year, the total seizures have actually gone down, and that is probably because we have reduced our random drug patrols so heavily. Cocaine, however, our seizures on that are actually up, and that is because more cocaine is coming in. In my view, that is why it is, more cocaine is coming in.

Mr. KEATING. Mr. Chairman, you have 26 million Americans who, on a monthly basis, use and abuse narcotics. There is no doubt that these gentlemen at this table, the enforcement bureaus of the Justice Department and the other departments involved, are doing a better job than they have ever done before.

As I have indicated, unprecedently, across-the-board, these statistics are going up. They have mushroomed very dramatically, but the fact is, as long as 26 million Americans are committed to destroying their civilization on drugs, we are not going to be able to fully do the job on the supply-side, no matter how many E–2C's and AWACS, or C–130s, or U.S. Border Patrol agents, or aerostat blimps we put up.

We do, and I think Senator Domenici is absolutely right, have to attack the demand-side. I am saying, we are living by the budget summit agreement and we are implementing this strategy which includes the prosecution side of it, according to the four-corners of that budget summit.

Senator LAUTENBERG. You always qualify your statements, in due respect, Mr. Keating, with pursuant to the budget summit agreement.

That is not the question I am asking. I am asking the question of whether or not we are able to do enough, whether you have the resources to support the seizures that we do make in terms of prosecution and incarceration convictions, et cetera. Let's leave that aside from the budget question, because that hangs over all.

What would you say, aye or nay, on that?

Mr. KEATING. I would say, if new funds can be made available, they can be well invested.

Senator LAUTENBERG. Thank you very much, Mr. Chairman.

Sorry, Senator D'Amato.

Senator DECONCINI. I yield to the Senator from New York.

Senator D'AMATO. Thank you, Mr. Chairman.

That was a good political ending to that question, Frank.

Let's stop kidding ourselves and each other. Do you need more resources for prisons?

What is the capacity of the Federal prisons and how many do you have in the Federal prisons now?

Mr. KEATING. I don't have the figure but we are over-capacity.

Senator D'AMATO. You are well over capacity, yes?

Aren't we in the position now, where we have to even put some people out on the street that we would choose really not to put out on the street?

Mr. KEATING. We are at the present time juggling a lot of balls in the air.

Senator D'AMATO. Let me tell you how much you are juggling. You have them in State prisons, you have them in county prisons, you have them in Federal facilities, wherever you can hold them. You have them in INS facilities which aren't built for them.

Isn't that true?

Mr. KEATING. Yes.

Senator D'AMATO. We need more prison space?

Mr. KEATING. Yes.

Senator D'AMATO. They are dangerous people, right?

Mr. KEATING. That is correct.

Senator D'AMATO. I mean, we are not talking about white collar criminals, we are talking about pretty dangerous people, killers, drug dealers, et cetera.

Is that true or not?

Mr. KEATING. That the prison system contains these kinds of people, certainly it does.

Senator D'AMATO. That is the kind of people that we need facilities for.

The other side of the argument is, the people who come and say: Well, you know, you can't build sufficient prisons and that you should do rehabilitation.

We are talking about people who the only place for them to be is in maximum security prisons?

Mr. KEATING. Right.

As you know, Senator, the Congress required mandatory minimum sentencing in the recent past. As a result of that, which we agree with, you have more and more people entering the prison system for drug offenses. We have to have places for them.

Senator D'AMATO. So, we need more resources.

Now, let's get to an area that you touched on. How much more funding for prisons did you request in 1989?

What funding level did you request for Federal prisons and how many spaces would that have built?

Let me refresh your recollection, I didn't make any notes on it, but I think I heard you say that you requested additional dollars for prosecutors, DEA agents, Assistant Attorney Generals or U.S. attorneys staff, and for prisons, and that they were cut by the House of Representatives.

Right? Did you do that?

Mr. KEATING. In fiscal year 1988, budget authority was $341 million for the Bureau of Prisons, outlays $310 million. The President's budget in 1989 is $507 million budget authority.

Senator D'AMATO. How much more did you ask for?

Mr. KEATING. It went from $341 to $507.

Senator D'AMATO. How much is that?

Mr. KEATING. It just shy of $209.

Senator D'AMATO. Almost $200 million.

What did the House cut it by?

Mr. KEATING. Some 3,400 positions and $574 million will not be funded.

Senator D'AMATO. How much?

Mr. KEATING. $574 million.

Senator D'AMATO. That couldn't be. That is the whole thing, it is more than you have asked for.

Mr. KEATING. That is obviously an error, but the figure that I have is 3,400 positions.

Senator D'AMATO. How many drug enforcement agents have been cut? How many did you ask for? How many did they cut?

Mr. KEATING. The 1988 enacted budget authority, $494 million; the President's budget $538.1; 177 agents and $44 million would be cut by the House Appropriations Committee.

Senator D'AMATO. How many prison beds did they cut? Let's go back to beds, do you have any numbers that indicate that?

Mr. KEATING. I don't have that, Senator.

[The information follows:]

FISCAL YEAR 1989 PRISON BEDS CUT

The President's fiscal year 1989 request for new prison construction, expansion, modernization, and repair would have resulted in approximately 5,400 new bed spaces prisonwide. Based on the fact that nearly 37 percent of all Federal inmates are incarcerated on drug-related offenses, 2,000 of the 5,400 new spaces eliminated would have housed drug-related felons. Therefore, the House Appropriations Committee has cut 2,000 beds needed for fiscal year 1989.

Senator D'AMATO. That is important. I would ask that you locate that information and get that to the committee.

I make that point because you can't beef up the war on drugs, if you are going to have a criminal justice system that makes a mockery and a sham out of law enforcement. No one says you are going to win it with law enforcement alone, but there would be some that would have us undertake no responsible law enforcement. You have to have facilities to send people who sell drugs to.

You can't put yourself in the same situation that the city of Philadelphia is in, where, I understand by way of a newspaper account that came out today, that you could sell a ton of marijuana and they are going to put you out on the street. Some of the police are saying that all the drug offenders should not be imprisoned—because there is a city cap and they are 300 prisoners over the cap, and it is only the dangerous criminals that must be held—if you sell drugs, you are not a dangerous criminal, so you are going to be out on the street. We can't have it two ways, you have to spend the resources.

Having said that, Admiral, do you have a Coast Guard forfeiture fund. When you seize vessels, do you get any of the proceeds from those seizures?

Admiral YOST. There is a forfeiture fund. It is maintained by Customs, and we are working out an arrangement. It is jointly in a suggestion for this bill to make that fund more accessible to the Coast Guard.

Senator D'AMATO. At the present time, a total of $10 million to both Customs and Coast Guard is the limit, you can't get more than that?

Admiral YOST. I thought it was $18 million total, but, yes, there is a cap on it.

Senator D'AMATO. Where does the rest of that money go?

Admiral YOST. Let me turn that over to the Commissioner; he runs the forfeiture fund.

Commissioner VON RAAB. In accounting for it, you can deduct the expenses of the seizure. But, you are right, there is a lot of money over and above that.

Senator D'AMATO. There is a cap, what is the cap?

Commissioner VON RAAB. $10 million. Anything over the cap goes into the general revenues.

Senator D'AMATO. In other words once the Customs Service hits that cap of $10 million then the money goes to the general Treasury?

Commissioner VON RAAB. Right.

Senator D'AMATO. Frank Keating, Drug Policy Board, do you want to help fund the war on drugs?

Mr. KEATING. Yes.

Senator D'AMATO. Why don't you make a recommendation that the millions and million and millions and tens of millions of dollars that they seize, instead of it going back into the Treasury, be utilized so that instead of us having to cut back the interdiction effort by 50 percent on the high seas by the Coast Guard, and you heard the Admiral testify about 50 percent of the drugs that he would have been seizing, he is not seizing, that those dollars go to help fund this war.

Mr. KEATING. I agree with you, Senator.

Senator D'AMATO. Is that a good idea? Will you make that as a recommendation, because we can't get it through their heads?

Mr. KEATING. As a matter of fact, there are five specific forfeiture fund bills that we are recommending, or amendments to current statutes that we are recommending as a part of the interdiction package. Some of what you are saying are in those recommendations.

In addition, by the way, is the creation of a Coast Guard forfeiture fund.

Senator D'AMATO. Coast Guard and Customs?

Mr. KEATING. That is right.

Senator D'AMATO. You will not place an arbitrary limit on it. In other words, if they seize $250 million, maybe they can use all of that?

Mr. KEATING. Of course, it would be Congress' decision on that. But, what I am saying, we are living according to the mandate of the laws passed by you.

But, we do have five specific amendments that we would like to see enacted.

Senator D'AMATO. You were doing so good there for a while, you broke out of that typical political mode, you know, and then you got right back in.

Let's try it again. We are going to talk about increasing this arbitrary limit of $18 million dollars, which is a spit in the ocean. We have cut them $100-plus million.

How much are you going to recommend that that limit be? You are not going to say, just repeal it. Are you thinking about a number? Are you thinking about maybe $100 million?

Mr. KEATING. The figure is negotiable, but whatever figure is finally selected, in our judgment, should meet the concerns that you stated, because they are concerns. We ought to be able to attack that fund and use more of those resources for law enforcement purposes.

Senator D'AMATO. I am going to look forward to getting your recommendation as to what that limit would be. I would hope that it will be substantial, because certainly the need is there and we can see that.

We cut the Coast Guard by $66 million that was budgeted and I think the remainder was unbudgeted. I think it becomes pretty critical that we begin to meet some of these needs and that is the way to do it.

Alan Nelson, you testified to how many—incredible numbers, the percentage of criminal aliens that are involved in drugs.

Is that correct?

Commissioner NELSON. Yes.

Senator D'AMATO. One of your most critical problems is that, after that person who is a criminal has been convicted and is sent to prison, that you don't have sufficient judges, INS judges, immigration judges, to hold hearings, so that instead of those people being sent right back out on the street, they are deported.

Is that true?

Commissioner NELSON. It has been. I think two aspects, one the new immigration law puts more focus and attention on the criminal alien and a lot of your good efforts and others, in New York particularly, where we have been able to do a lot more with the criminal aliens.

Senator D'AMATO. But, you need more judges, don't you?

Commissioner NELSON. Yes; we could use them.

Senator D'AMATO. How many judges, nationwide, do we have?

Commissioner NELSON. I don't have the figure there.

Senator D'AMATO. 88, 89?

Commissioner NELSON. I am not sure what the exact number is.

Senator D'AMATO. It is not 100, is it?

Commissioner NELSON. We could use more judges and I think that is necessary.

Senator D'AMATO. Have you asked for more?

Commissioner NELSON. That is a separate unit within Justice, now, it is not through INS.

Senator D'AMATO. I understand. Have you indicated, as part and parcel of the problem of the deportation of criminal aliens that you need these judges? I have only been working on this, for all of those who say this is election year rhetoric, for about 6 years. I get a little bit angry, of course, at those implications, but I guess they are basically right, because I don't think there are too many who have worked on this problem. There is only a handful who have.

It is the D&D boys, but then after that there are only a few others. There is DeConcini and D'Amato and Domenici and some others that have been pretty good on this side of the fence, and I am talking about on the Senate side, who have been after this on a comprehensive basis, but there are a lot of newcomers. But, that is all right, if it takes an election to get them to the table, to get them doing what they should be doing, we will take that support.

So, this year we have an opportunity to make some progress, because, as you know, next year they will all forget about it. They will be under the table again, on the back burner, but that is the way it is.

Commissioner NELSON. To answer your question, Senator——

Senator D'AMATO. Answer my question. Have you asked this fellow, do you know this fellow over here, say hello to him. That is Frank Keating. He is on the Drug Policy Board, do you know him?

Commissioner NELSON. I work for him. Let me say——

Senator D'AMATO. Wait a minute. Did you ask him for more Immigration judges to deport these son-of-a-guns, instead of putting them back out on the street, because you don't hold the hearings and you have all these constitutional problems. You should be holding the hearings when they are in prison. I don't understand why you have to wait for them to get the hell out.

Commissioner NELSON. That is what we are doing.

Senator D'AMATO. Yes, I know. Who started that?

Commissioner NELSON. You had a lot to do with it?

Senator D'AMATO. You are darn right, I did.

Mr. Keating, are you asking for more immigration judges?

Commissioner NELSON. There is a comprehensive package, Senator, which we have submitted, which includes immigration judges, deportation officers, U.S. Border Patrol officers, and more.

Senator D'AMATO. I would like to see this package. Frank, are you asking for more judges?

Mr. KEATING. I am waiting to hear. [Laughter.]

Commissioner NELSON. He has heard.

Senator D'AMATO. Are you asking him for more judges?

Commissioner NELSON. Yes, sir.

Senator D'AMATO. How many more judges?

Commissioner NELSON. I don't know the number of the judges, because again that is a separate unit, but we are asking for the whole package including judges.

There is a request, and I believe there is a request in the 1989 budget, as Mr. Keating indicated, which we need some help on to be sure it doesn't get cut, and that also includes more immigration judges.

Senator D'AMATO. With all these great personnel, do you have some people to tell you how many there are there, Frank?

How many judges in addition has he asked for?

Mr. KEATING. I don't have those figures now.

Commissioner NELSON. We will get them for you, Senator.

Senator D'AMATO. Will you get them for us?

Commissioner NELSON. Yes.

Senator D'AMATO. There is a fellow behind you saying, yes, he is going to get them for us.

Mr. KEATING. He has an hour——

Senator D'AMATO. He is behind you, and he is shaking his head, he says, yes.

Commissioner NELSON. We will get them for you, Senator.

Senator D'AMATO. Are you going to support more immigration judges? You are the Policy Board.

Mr. KEATING. Am I going to support more immigration judges? If they are needed, certainly.

Senator D'AMATO. Ask Nelson. Do you need them?

Commissioner NELSON. Yes.

Senator D'AMATO. You are desperate for them.

Commissioner NELSON. As I testified to Senator DeConcini——

Senator D'AMATO. I am telling you, and I am an expert, you are desperate for them.

Commissioner NELSON. As I testified to Senator DeConcini's question earlier, as far as Immigration Service, you are far too short in this bill for the necessary comprehensive immigration support including judges.

Senator D'AMATO. You know something, I am willing to win at the margins. Just give me a little bit here and a little bit there where you are critically short. You are critically short. OK?

You are critically short. You don't have sufficient, even in New York, and certainly in California, and certainly in Texas. You don't have sufficient numbers of immigration judges. I am suggesting to you that with a small investment, you can clean up a whole area of crisis. You can get some of these aliens who now, when they are discharged from the State penitentiaries, are put in rather insecure INS facilities. They are holding these people for long periods of time, and then, eventually, in some cases, they are put back on the street.

You can hold hearings in Federal prisons and in State prisons, so that when these aliens are ready to come out, you have a detainer on them and you deport them. If they are some of the others—such as Cubans—that don't have a country that you can deport them to, you hold them.

I am suggesting to you that I would like an answer to the committee, Frank, as to what your recommendation is going to be in that area, all right?

Mr. KEATING. I will be happy to provide it, as soon as I have an opportunity to see it.

Senator D'AMATO. Will you give him the opportunity to see it?

Commissioner NELSON. We have provided it. We will submit it.

Senator D'AMATO. The new one, he hasn't seen it.

Commissioner NELSON. Yes.

Senator D'AMATO. Let me ask the Admiral. I was in a debate with this fellow, by the name of Dr. Ed Luttwak. He is a consultant for the Defense Department and also works for the Center for Strategic and International Studies. He is an authority on the military. He said that the AWACS was the wrong tool for detecting drug smuggling aircraft.

That is Dr. Luttwak. Now, who am I to disagree, but I did. Do you agree?

Admiral YOST. I don't think it is the wrong tool. There may be better tools; we just don't have access to them. I think both the Commissioner and I would like to have aerostat balloons every thousand yards around the United States, but it is very expensive and not likely to happen. We don't have the aerostat balloons in place. We don't have over the horizon radar which some people think some day will be good. All we have right now is the E–2C. Until we get something better, that is the best resource available to us.

Senator D'AMATO. The E–2C and AWACS?

Admiral YOST. The E–2C is an AWACS, yes, sir. It is one of the two AWACS aircraft, the E–3 and the E–2C.

Senator D'AMATO. What would be the best tool available?

Let me ask you, for what purpose can the spy satellites be utilized?

Admiral YOST. We have never been able to get any from spy satellites in real time on-the-air problem. I don't think that it is possible. I would be glad to go back to the intelligence community, but the answer that I have gotten is that that is not a real time asset in the air war. That is why the fast carrier task forces don't use satellites for their AWACS. They have AWACS on board.

Senator D'AMATO. Admiral, let me ask you. Have you read the article "A Coast Guard Withering in DOT Regulatory Role?" Have you read that article by Ronald Frazier?

Admiral YOST. Yes, I have. Ronald Frazier out of the Navy Times.

Senator D'AMATO. Who is Ronald Frazier?

Admiral YOST. He is a writer from Navy Times. He writes on the military scene. He has written a couple of books.

Senator D'AMATO. He quotes Rear Adm. Olin Lively.

Admiral YOST. Right. Rear Admiral Lively is a retired Reserve Admiral in the U.S. Coast Guard.

Senator D'AMATO. Former Admiral of the Coast Guard?

Admiral YOST. Rear Admiral Lively resigned from active duty at about the Lieutenant Commander level and went into the Reserve. He made Admiral in the reserve. He is a very active proponent of the U.S. Coast Guard and of the Reserve.

Senator D'AMATO. He writes this article, it seems to me, pretty clearly indicating that it is his feeling that the Coast Guard, from 1790 to about 1965, was under the Treasury Department. Is that correct?

Admiral YOST. That is correct, sir, about 160 years.

Senator D'AMATO. I am going to try to put you on the front line here. I understand that you have to be careful about this. As the ranking member of the Appropriations Transportation Subcommittee in which we have jurisdiction over the Coast Guard, I like working with you and I think the Coast Guard does a great job.

It seems to me that it makes a heck of a lot more sense to have the assets under a unified command structure, certainly as it relates to the civilian and the executive branch side. The assets and the administration of both Coast Guard and Customs, which have been assigned more and more important roles in drug interdiction, that way that unified command could be established under the Treasury Department.

Do you have any feelings or thoughts on that?

Admiral YOST. I have taken a pretty solid and strong position, and I have been very vocal on it, that the Treasury Department has a portfolio that only matches about 24 percent of my mission areas, and that 24 percent is all drug interdiction. The Department of Transportation has a portfolio that matches about 65 percent of my mission portfolio. Administratively, I don't see where moving to Treasury would help.

I have had a very frank discussion within the last 2 hours with Senator Lautenberg, and we need to have further discussions on that matter. He has assured me in that conversation and he has assured me today in his statement that he will do all that he can to supply the resources that I need. That is my problem.

Senator D'AMATO. Do you really think that you are going to get the resources you need under the Transportation Subcommittee?

Admiral YOST. The Senator assured me that I am, sir.

Senator D'AMATO. I am going to tell something. We have a 302(b) allocation meeting tomorrow. Do you know what that meeting is about?

Admiral YOST. The 302(b) allocations are absolutely essential to us.

Senator D'AMATO. Do you know what that meeting is about?

Admiral YOST. No.

Senator D'AMATO. Let me read you what some brilliant legislative person here has prepared for me, because the brilliant remarks come from staff.

Admiral YOST. I have noted that in my own case as well, Senator. [Laughter.]

Senator D'AMATO. Touché. This comes from the voice of the good:

> Tomorrow, the Appropriations Committee will meet to discuss a pro rata cut against 12 subcommittees—against 12 subcommittees—to produce an extra $500 million for education.

Is anybody here against education? Raise your hands if you are against education.

You are against education, Admiral?

Admiral YOST. I am thinking about it.

Senator D'AMATO. Wait a minute. Wait a minute. We are going to be meeting in a room not too dissimilar from this one. As a matter of fact, maybe right in this room, and we will be seated right down there. The organization of the tables will be a little bit different.

In basic terms, in a political year, when we have one person who says he is running to be the education president, and the other person saying, "I am the education governor," both of them, let me ask you, how many Senators do you think are going to raise their hand in opposition to this proposal to provide $500 million more for education? Do you think I am? [Laughter.]

No way, Jose, no way. Do you think that Senator DeConcini is? No way. Do you think that Chairman Lautenberg is?

Admiral YOST. Yes.

Senator D'AMATO. You do?

Admiral YOST. I think so.

Senator D'AMATO. You think so?

Admiral YOST. I think so.

Senator D'AMATO. I want to tell you something. When he speaks to his political guru, it isn't going to be that way. When he talks to his people, they are going to say, no way. My friend, there is going to be $500 million for education, and it is going to come from cuts. We have a budget summit, and the summit says that certain areas are sacrosanct. So my dear friend, Paul Yost, do you want to continue that sorry, lonely path?

As a practical matter, I am only a neophyte here, it is true, but I learn too. What do you think is going to happen when the administration says, as they have, we are eliminating Amtrak? Do you think that the chairman is going to vote to totally eliminate Amtrak?

Admiral YOST. The chairman has asked me not to discuss mass transit.

Senator D'AMATO. That is $600 million. You are going to have to provide the $600 million, and it is going to be provided. Where do you think they are going to take it from?

They are going to take some from mass transit, but don't forget that they have cut mass transit some. So they are going to take some from FAA, some from Coast Guard that had been fully funded. We are going to have a mishmash, and you are going to get less than you were supposed to get. Your mission is going to be distorted. FAA's mission is going to be in some trouble. We are going to have a garbled mess made out of both programs.

My dear friend, I had the unenviable task of saying that to the full Senate last year, if you recall. How many voices got up there and joined me, when I said, "You are cutting $100 million from Coast Guard, they are going to be $100 million short." Did anybody join me? As a matter of fact, the chairman of the Budget Committee, Senator Chiles, he jumped all over my case.

You know, you can't be all things to all people around here, so I have to tell you something, my friend. As much as I would love to keep you under our jurisdiction, there is no way in this area that you are going to get the resources you need as long as they put you in with other programs that they want to do away with. They will fully fund you.

The other programs that the Congress will not let them do away with, Congress is going to fund. Congress is going to take the money away from you, take it away from FAA. You are going to be back here asking for help. Your mission funding is not going to be increased.

You are not going to have any more dollars, and you are going to be destroyed. So the guy can write this story, another one, "The Death of the Coast Guard," public affairs, June 3, 1988, a week ago, by LCDR Christopher Walter, U.S. Coast Guard. Is he actually serving?

Admiral YOST. He is a very bright young, active duty officer.

Senator D'AMATO. That poor guy, they are going to be after him. [Laughter.]

You ought to be a good guy and not go after him.

Admiral YOST. I am going to promote him. [Laughter.]

Senator D'AMATO. You shouldn't have said that. You see what is going to happen. I just say, my dear friend, I don't mean that the chairman doesn't mean what he is saying, but I am just saying to you that you are fighting on the losing side as it relates to that allocation. That $500 million is going to come from cuts. We are going to be cutting another $50 million or another $60 million. You are going to absorb your proportional share of that $50 or $60 million cut.

Maybe it will be a $100 million cut under the Transportation function, and you are going to eat some of it. You are going to take some of it, I don't care what promises have been made to you. This is the real world, and you don't think that you are going to escape that, do you?

Admiral YOST. I wonder if I was under the Justice function, function 750, would I get the same kind of a cut there in your view, sir?

Senator D'AMATO. I think that if you are under Treasury, where historically you have been, with the linkage to Customs, you are going to have a heck of a lot more strength.

What areas are they going to cut in Treasury? IRS, they are not going to cut them. You are not going to be in that area where they are continually cutting, where you have very little in the way of total support. That is my own suggestion to you, and the chairman is here.

I was going to ask you about one other thing, zero tolerance, what about that? I have never used drugs. John McLaughlin said, "Have you ever used drugs?" No; I haven't. "Have you ever smoked?" No; I haven't. I felt a little dumb, but that is the kind of thing that wasn't done in my era. I am a lot older than I look.

Admiral YOST. Zero tolerance?

Senator D'AMATO. Tell me, what are we doing there, tell me about that?

Admiral YOST. We sent out guidelines to the field on zero tolerance to assure ourselves that we get cases that have a good evidence package. It has worked. Within the last week, we have had five zero tolerance cases. All of them have been good cases. The Commissioner of Customs' people have accepted those cases because they did have a good evidence package.

Senator D'AMATO. Give me an example so that we can let people know. What are we talking about?

Admiral YOST. We are talking about vessels in the internal waters of the United States that we board searching for major smuggling of drugs. While we are aboard, we see obvious evidence of personal usage amounts. We are now not going to ignore that evidence. If it is in front of us, we will take it and make arrests.

If the master appears to be implicated, we will seize the vessel. We will then send the vessel in under its own recognizance while our patrol boat remains on patrol. That way we have used no resources, and we have delivered the message on the demand side.

That is zero tolerance.

Senator D'AMATO. You said that you made five cases. Do you care to share that information with us?

Admiral YOST. There were several grams and lots of paraphernalia aboard, and that vessel was seized.

Senator D'AMATO. Drug paraphernalia for drug use?

Admiral YOST. Yes, sir; drug use paraphernalia.

On the other end of the spectrum, there was a small pleasure boat on a fresh water lake along the Colorado River. We seized that vessel and arrested the operator. He was obviously out boating high on drugs.

I heard of a case this morning that wasn't handled quite so well. A boat owner who runs a pleasure tour boat on the Potomac River right here told me this morning that he, last night, on a trip, smelled something, and he thought there was a fire in the engine room. He walked back on the small boat, only 15 passengers, and he found a guy on the fantail smoking a big, fat joint. He said, "Because I was away from the dock, I personally arrested him." He has no arrest capability that I know of; he was the master.

He arrested this guy, returned to the dock, turned him over to the local police. They went through his back-pack, and they came out with a bunch of marijuana about that size. He told me, in outrage, that that man was on the street within an hour. I have not been able to check that.

Senator D'AMATO. That is the local system that puts him out on the street. It is part of the criminal justice system which doesn't work.

Admiral YOST. This man would never have had the gumption and the desire to make that arrest and turn him over to the local police without the zero tolerance policy. He said to me, "Stick with it."

This morning, one of my flag officers, three stars, was at National Airport. A man stopped him and said: "Admiral, I want to talk to you." The man had long hair, a beard and sneakers. He thought, this is going to be something. The man got right up next to him and he said: "I like your zero tolerance policy, stick with it." The Admiral almost fainted.

The public is coming around to support zero tolerance as long as we do it sensibly, and I am committed to doing it sensibly.

Senator D'AMATO. Commissioner, do you have anything to add?

Commissioner VON RAAB. Yes; I would only add that I think that the Zero Tolerance Program is probably the most important development in the drug war for sometime because it really has shifted the burden to the drug user, the small traffickers, who deserve to be punished, and certainly deserve a little deterrent.

Since the program has gone into effect on March 15, I will just mention this, we have had 1,297 arrests, we have seized 1,773 conveyances for drugs, we seized 278 conveyances for paraphernalia, worth a total of $69 million. This is a very, very important program.

Senator D'AMATO. Do you sell those vehicles at some point in time?

Commissioner VON RAAB. Yes; in many cases, they are sold within a few weeks.

Senator D'AMATO. The new Deputy Attorney General to be—did you get it yet, Frank?

Mr. KEATING. Call it associate, it is not quite as impressive.

Senator D'AMATO. The new Associate Attorney General who is going to see to it that the Coast Guard and Customs get a better cut of those forfeiture funds because they certainly need them.

The Coast Guard people have got to feel demoralized when they see the resources and the assets they don't have. It is not fair to the men and women, who are serving, who are doing a great job, not to give them those resources. I would hope, Frank, that you would do whatever you can to help rectify that situation.

Mr. Chairman, I thank you for your indulgence, your patience, and more importantly for your dedication, because I want to tell you something, were it not for you and your efforts, I don't believe that this Nation would be headed in the direction that we are, to attempt to galvanize our resources to meet this challenge at every level.

There is one person who stands out, he is quiet, he is clear, he is convincing, he is dedicated to making a difference on the Federal side, and get others involved, and that is Chairman DeConcini.

It is a great privilege for me to have the opportunity to work with you, Mr. Chairman.

Senator DECONCINI. I thank the Senator from New York.

I have some questions that will be submitted to the members of the panel from Senator Pell.

I would like to quickly review a couple of things if I can, gentlemen.

I would ask, if you could, by Friday and no later than Monday, give us a breakdown, Commissioner Nelson, of where you would deploy and place 500 to 600 new personnel in 1989 as it relates to drug interdiction and the U.S. Border Patrol.

Likewise, Admiral Yost, if you could do the same for the 800 we are talking about for the Coast Guard, and, of course, the 600 for Customs. If you could give us that information.

Admiral YOST. Where we would deploy those people?

Senator DECONCINI. Where you would actually physically put them, and could you integrate them in next year.

Admiral YOST. May we assume, sir, that these are above the President's budget?

Senator DECONCINI. These are all above what the President's request is. They are all in 2,205.

I would like to direct this question to primarily Admiral Yost and Commissioner von Raab.

As you all know, the Senate passed an amendment supported by Senator Nunn, myself, Senator D'Amato, Senator Domenici, and many others, to bring the military in the surveillance of the C^{3}I business in our war on drugs. The theory is that the military has the assets, the personnel, and the expertise to provide that function in support of the civilian drug interdiction agencies.

Frankly, since Secretary Carlucci has made no bones about his opposition to taking on this new mission, I am extremely skeptical as to whether or not DOD is going to give you much more than you are getting now in terms of air and marine surveillance assistance.

It has been like pulling teeth as we have know in the past many, many years to get these assets changed and dedicated just even for training for civilian agencies. I hope that Secretary Carlucci, as he has testified here, we are really going to work closely, but I have a really nagging feeling that talk is cheaper than implementation.

What benefits and what problems do you foresee if DOD becomes the principal surveillance and C^{3}I agency for the civilian antidrug effort?

Do you really believe that this new mission will vitiate the need for Customs, Coast Guard, and Border Patrol to have their own surveillance and/or C^{3}I assets?

I will start with you, Admiral Yost.

Admiral YOST. As you know, as the Commandant of the Coast Guard, I am the head of one of this Nation's five armed forces, and for that reason I do stay fairly close to the Joint Chiefs of Staff. I have met with them on several occasions over the last several years, and twice in the last couple of weeks on this thing. We are involved in it daily.

It is my view, and I have expressed this to the Joint Chiefs, that we do not need the Department of Defense involved in the planning and the execution of the drug mission. What we need them involved in is the providing of assets and resources—aircraft time, ship days, intelligence.

I have said to the Joint Chiefs as well, if you are going to provide so many sophisticated assets that you have some doubt whether we can handle them or not in planning and execution, then we would welcome standing watch with us in the C^3I center officers like colonels and majors, air warfare specialists. We would welcome them in assisting us, but the leadership needs to remain with the agencies who are the experts in this thing. The planning needs to remain there as well.

We have a good command and control pyramid. The Commissioner and I can hang on that pyramid as many ship days and aircraft hours as we can get, double, three times, four times, whatever is the will of this Congress.

Senator DECONCINI. You would have control over them.

Admiral YOST. We would run the war. We need the assets.

Senator DECONCINI. Commissioner.

Commissioner VON RAAB. I have some thoughts on this.

The benefits of involving the military in a greater role are obvious. We all know that more resources are necessary, particularly in the detection area.

The problems with having the military in this effort, there is a peculiar one that people don't think about, and that is the predictability of their being there. The military runs their assets for the benefit of the national defense as it is defined for their Department. Therefore, if the involvement of the military is not carefully defined—one of the problems with the Senate bill is that it uses words like "appropriate," and "as necessary," and other things like that, which means that people are going to make judgments as to how much is necessary and where it is necessary. It will give a feeling of well-being that the military is involved, but it will be illusory because the military won't necessarily be there when we need them.

I think that what we need, however it is crafted, and I understand the administration and the Congress are discussing this issue, from Customs' perspective, we need to be able to rely on whatever the level of assets the military is going to provide. We need to be able to determine where they should be deployed. We don't want them deployed against the military national defense mission, but we want them deployed against the drug war.

My concern, rising above the sort of issue of military and nonmilitary, is if they are going to be in the war, they have to be in the war so they can't wriggle out of it. They have to be locked up and their contribution has to be made clear, and it has to be made available on a regular basis to the civilian agencies so that it is used.

Senator DeConcini. It is both your statement that the operational control of the C^3I centers should remain with Coast Guard and Customs.

Commissioner von Raab. Absolutely.

Senator DeConcini. The joint effort that you are doing.

Admiral Yost. I would say, on that C^3I center, a representative of the Joint Chiefs did go out and visit that center. He was told by the people at Tyndall Air Force Base, which is where the major center is for the Department of Defense, that that center that the Commissioner's people have designed and we are going to put into operation shortly, is much more capable than their center for this kind of a war.

Their center just plain couldn't do it. It has to be that center in Miami, and it ought to remain under the control of Customs and Coast Guard as we have planned it and written the memorandum of agreement on it.

Commissioner von Raab. Senator, on the C^3I, I have heard rumors to the effect that members of Senator Nunn's staff are starting to speak badly of the C^3I center in an effort to discredit the effort.

In my personal conversations with Air Force personnel, including General Herres, is that they really ~~do~~ feel the C^3I's are very good. I just hope that you and Senator Nunn can get together so that we don't have two tracks running on this, with Senator Nunn trying to discredit the C^3I and pass it to the military, and your committee trying to support it, leaving the Customs Service and the Coast Guard somewhere in the middle of this battle, which would be the worst possible situation.

Senator DeConcini. I agree. I have talked to Senator Nunn, and he is very concerned about this whole process. Quite frankly, he was most constructive in molding something different than what the House had. As you know, over there they really went after the Posse Comitatus Act, and my interpretation is that they have the military in the actual apprehension and arrest business, which I think would be a mistake. Senator Nunn was very cognizant of that.

I am hopeful that we can maintain the expertise that you all have put together here. I really look forward to Senator Nunn's leadership in trying to mold the military in here to support, so that they don't really jeopardize their mission. One of the things that may do it is the cost. If the military really takes over the whole thing, we are talking about billions of dollars additional defense moneys which would be duplicating some of the things that you have.

Commissioner, do you care to comment at all on the command and control, the operation and control of the communication centers, or do you agree?

Commissioner Nelson. I would concur with Admiral Yost and Commissioner von Raab on that.

Senator DECONCINI. Thank you.

Commissioner and Admiral Yost, just to touch base with you while I have you here, you are intimately involved in the Bahamas and their interdiction strategy, the maritime drug operations. I know that Customs is there, DEA is there. S. 2205 contains $13 million to provide additional interdiction support to the United States/Bahamas drug interdiction task force.

What is your view of the United States/Bahamas task force, and how is it helping or hindering you in performing your drug interdiction mission that you have in that zone area?

Admiral YOST. I think that the task force is doing an excellent job. We are deeply involved. We have six or seven people in the operation center that is run by DEA. Customs is deeply involved. We have three helicopters dedicated to it. We plan to go to 12 helicopters dedicated to that task force.

We are very supportive. We think that the money can be used in that task force. The task force itself is a kind of a nonentity as far as appropriating money is concerned. It is hard to appropriate money to the task force. I think that we would rather see some language that would appropriate money to be designated for use by the task force, and let the Drug Policy Board allocate the money.

The last time that we had some money allocated for the task force, it was in one agency's budget, and the other agencies thought that it should be in their budget, and there was a little bit of a fuss. I can't remember what all that was about, but at any rate if we could work with you on the language.

Senator DECONCINI. I think we had a little disagreement there, but it worked out.

Admiral YOST. I think we ended up agreeing. I think you convinced me.

ADDITIONAL COMMITTEE QUESTIONS

Senator DECONCINI. Gentlemen, thank you very much.

Senator Mikulski will also submit questions to the Coast Guard.

I realize that there is a great burden placed on you trying to get this information back, but the task forces are meeting here to start drawing up the framework of the bill. We will submit the questions today to you and your staff, particularly those itemizations of where you would place these assets and these people, we really need by Monday, no later, if you possibly can, and the other information, when you can.

I thank you for taking the time. Mr. Keating, thank you for staying with us throughout all this.

[The following questions were not asked at the hearing but were submitted to the Department for response subsequent to the hearing:]

COAST GUARD

ADDITIONAL COMMITTEE QUESTIONS

QUESTION. WHAT IS YOUR ASSESSMENT OF THE QUANTITY AND QUALITY OF TIME SENSITIVE, TACTICAL INTELLIGENCE THAT YOUR AGENCIES RECEIVE FROM DEA, THE INTELLIGENCE AGENCIES, EPIC, AND THE LIKE? AND WHAT SPECIFIC IMPROVEMENTS IN THIS CRITICAL AREA WOULD HELP TO IMPROVE OUR OVERALL INTERDICTION PERFORMANCE?

Answer. The national intelligence community is providing a substantial amount of timely and useful intelligence for our drug law enforcement operations. The Coast Guard's own Intelligence Coordination Center provides the necessary security and processing to ensure that the sensitivity of the intelligence is properly observed.

EPIC is our principal point of contact with the rest of the law enforcement community. EPIC provides both meaningful intelligence and some tactical analysis. DEA information is filtered through EPIC.

Possible improvements would include: broader automated access to EPIC data bases; further improvement in national intelligence collection regarding narcotics activities; and improved local liaison in sharing and dissemination of information. In each of these areas , substantial and continuing progress is underway.

QUESTION. WHAT ARE YOUR VIEWS ON THE TRAINING PROVISIONS CONTAINED IN S.2205?

Answer. As a law enforcement agency which routinely deals with foreign-speaking individuals (principally Spanish), the Coast Guard should be authorized to receive foreign language training. This would give our law enforcement personnel a needed and useful skill. Coast Guard personnel should be allowed to attend the Defense Language Institute along with the INS, DEA, and Customs.

QUESTION. WHAT IS YOUR VIEW ON THIS PROPOSAL TO BRING OUR TOP FEDERAL LABORATORIES INTO THE DRUG R&D BUSINESS?

Answer. This proposal to bring our top federal laboratories into the drug Research and Development business potentially beneficial. As an example, the Coast Guard Research and Development Center is now involved in work on equipment to detect cocaine and heroin vapors.

QUESTION. WHAT IS THE OFFICIAL STATUS OF ZERO TOLERANCE: WHAT STATISTICS CAN YOU PROVIDE ON ITS EFFECT; AND WHAT ARE YOUR COLLECTIVE OR INDIVIDUAL VIEWS ON THE PROGRAM?

Answer. The zero tolerance policy continues to be recognized and is viewed by the Coast Guard as tough, but fair. The zero tolerance approach does not divert Coast Guard resources from other missions, including the interdiction of major supplies of smuggled drugs.

Since zero tolerance is a policy that has been in effect for only a short period of time, no solid or reliable statistical information is currently available.

The Coast Guard is taking action when, in the course of a normal boarding, illegal drugs are found. In cases where it would be unwise to tie up a Coast Guard resource in escorting the vessel to port, the suspected vessel will be seized and directed to proceed to port and report to U.S. Customs or Coast Guard authorities, who will be notified to expect the vessel's arrival.

It is the Coast Guard's view that zero tolerance is necessary if we mean to cut the demand for illegal drugs in this country.

QUESTION. WHAT ARE YOUR VIEWS ON THE NEED FOR A DRUG CZAR AND IS THE ADMINISTRATION LOCKED IN CEMENT IN SUPPORTING A DRUG CZAR PROVISION IN THIS DRUG BILL THAT WE ARE CRAFTING?

Answer. The drug czar concept might create as many problems as it solves, and is not necessary. The National Drug Policy Board approach is working.

QUESTION. WHAT ARE YOUR VIEWS ON THIS IDEA?

Answer. Assistance from DOD assets in the intelligence, command and control areas is welcome. The creation of a full-time DOD high level position would be helpful, but I would defer to DOD on their proper organization. However, I can say that I feel that DOD should not be given a lead-agency role. The lead agency concept as developed by the National Drug Policy Board is working well.

QUESTION. WHAT ARE YOUR VIEWS ON A SINGLE AGENCY FOR DRUGS, OR WHAT ORGANIZATIONAL CHANGES WOULD YOU RECOMMEND UNDER THE NEXT ADMINISTRATION IF WE ARE ALL BACK HERE AT THIS TIME NEXT YEAR?

Answer. Inclusion of the entire Coast Guard in such an agency would be unworkable. Only 24% of Coast Guard resources are dedicated to the drug enforcement effort, and virtually all Coast Guard units are "multi-mission" ... that is, they typically perform search and rescue, fisheries enforcement and other missions as well as drug enforcement during any given patrol. In such an organization, our other non-enforcement programs such as Search and Rescue, Aids to Navigation, Marine Safety and Military Readiness would probably suffer from neglect.

Inclusion, somehow, of only the drug enforcement part of the Coast Guard in such an agency would be equally unworkable. Our multi-mission assets would be at the bottom of a confused chain of command, attempting to satisfy the equally important, but conflicting, operational needs of two different agencies.

Coast Guard units respond well to the many missions to which they are assigned. This is true only because they operate under a single agency which can efficiently assign priorities between those missions over time and place. In this respect, the Coast Guard is a virtually unique agency. To split responsibilities between agencies would risk severe erosion of the highly efficient use of our multi-mission platforms, possibly creating the need for new, additional assets overall.

QUESTION. IF YOU RECEIVE SOME ADDITIONAL FUNDING BEYOND YOUR PENDING FISCAL 1989 BUDGET REQUEST, WOULD YOU WANT TO PURCHASE C-130 AIRCRAFT WITH 360 DEGREE RADAR, OR ARE YOU WILLING TO GO ALONG AND RELY ON DOD FOR YOUR SURVEILLANCE SUPPORT.

Answer. On 20 May 1988, Lockheed informed us that modifications to add 360 degree radar to two Coast Guard C-130's would cost $60M. These modifications would be similar to the system on Custom's P-3 aircraft. Our E-2C's are a powerful asset, but they are limited in number and availability. The Coast Guard is very supportive of obtaining this 360 degree radar, and is well equipped for C-130 operations. We already have them in our inventory along with an existing infrastructure for maintenance, logistics and support. The C-130 has the attributes of superior range, endurance and speed over the E-2C.

However, C-130 aircraft modified with 360 degree radars are not at the top of our priority list for additional law enforcement assets. We would desire additional HH-60 helicopters and 110-foot patrol boats before buying modified C-130's.

QUESTION. WHAT IS YOUR VIEW ON THE NEED FOR FOUR ADDITIONAL AEROSTATS FOR OUR SOUTHERN BORDER AND WHERE WOULD YOU PUT THEM IF YOU GOT THEM, ADMIRAL YOST AND COMMISSIONER VON RAAB?

Answer. Aerostats posted along the gulf coast would be helpful. However, a complete gulf coast aerostat chain would require five aerostats in order to provide full and effective coverage.

To provide a fifth aerostat, the unit now located in Cape Canaveral could be relocated to Florida's west coast at significant savings compared to buying a fifth system. Relocation costs would be about $9.5 million whereas a new system would require approximately $21 million in additional funding.

The recommended approximate locations to complete a gulf coast chain are:

1. Moorefield, Texas;
2. Northeast coast of Texas;
3. Louisiana;
4. Alabama;
5. West coast of Florida.

QUESTION. WHAT IS YOUR ASSESSMENT OF THE U.S.-BAHAMAS DRUG INTERDICTION TASK FORCE AND HOW ARE YOUR AGENCIES WORKING WITH THE BAHAMIANS ON DRUG INTERDICTION IN THE CARIBBEAN? WHAT ABOUT THIS PARTIAL MATCHING GRANT IDEA?

Answer. In recent years, we have experienced a steady increase in cooperation with the Bahamian government. They have been responsive to Ambassador Hallett's efforts for more law enforcement support of the Coast Guard.

The Bahamians have allowed access of Coast Guard units to take law enforcement action in waters formerly considered to be a safe haven by drug smugglers. Royal Bahamian Defense Force riders on Coast Guard cutters have been given authorization to allow our access to Bahamian waters to take law enforcement action on U.S. vessels, greatly reducing delays previously encountered. This agreement was renewed for two years in January, 1988.

The Bahamian government has informally commented that they are pleased with our intent to establish a mobile support facility for U.S. assets in Bahamian waters, and will assist in any way possible to ensure project success. They have also given concurrence on our plans for establishment of a boat lift facility at Coral Harbor, New Providence Island, for which a memorandum of understanding will be signed soon.

The proposed $1 million grant may represent a significant sum for the Bahamians.

QUESTION. WHAT BENEFITS AND WHAT PROBLEMS DO YOU FORESEE IF DOD BECOMES THE PRINCIPAL SURVEILLANCE AND C3I AGENCY FOR THE CIVILIAN ANTI-DRUG EFFORT AND DO YOU REALLY BELIEVE THAT THIS NEW MISSION WILL VITIATE THE NEED FOR CUSTOMS, COAST GUARD, AND BORDER PATROL TO HAVE THEIR OWN SURVEILLANCE AND/OR C3I ASSETS?

Answer. DOD is already strongly involved in the drug interdiction effort, and their assets should continue to support and assist law enforcement agencies. In particular, their command, control and intelligence assets would increase anti-drug capabilities. However, DOD should not become the lead agency in the war on drugs. Lead agencies should remain as they are now. The National Drug Policy Boards division of responsibilities is a good one and is working well.

It may appear, at first glance, that DOD C3I assets would duplicate existing and planned law enforcement agency C3I centers. However, DOD facilities do not have the personnel, space, equipment or computer capacity to absorb the drug interdiction tasking. The East and West C3I Centers could complement DOD facilities, and will be linked to them.

QUESTION. HOW WOULD YOU RECOMMEND WE STRUCTURE THE OPERATIONAL CONTROL OF THE C3I CENTERS IF DOD TAKES OVER --- DO YOU BELIEVE THAT COAST GUARD, CUSTOMS AND BORDER PATROL SHOULD STILL HAVE OPERATIONAL CONTROL, IF NOT COMMAND, OF THE C3I CENTERS?

Answer. The law enforcement agencies should have command of the C3I centers.

QUESTION. WHAT DRUG INTERDICTION ASSETS DO YOUR AGENCIES CURRENTLY HAVE IN THE PIPELINE OR COMING ON-LINE IN THE NEXT SIX MONTHS THAT WILL INCREASE OUR PROBABILITY OF EFFECTIVENESS, I.E. THE ABILITY TO DETECT, TRACK, INTERCEPT AND APPREHEND THE AIRBORNE, MARINE-BASED AND LAND-BASED NARCOTICS SMUGGLER ALONG OUR BORDERS? BE SPECIFIC AS TO HOW THOSE ASSETS WILL MAKE A DIFFERENCE.

Answer. We have numerous assets in the pipeline which have been funded by appropriation either directly to the Coast Guard or to the Navy's Coastal Defense Augmentation Account (CDAA). Some were as a result of the Coast Guard's normal budget request, and others resulted from the 1986 Anti-Drug Abuse Act.

In the next six months the we expect delivery of the following assets:

3 Sea-Based Aerostats (1 already on line);
6 110-foot Patrol Boats (20 already delivered);
1 270-foot Medium Endurance Cutter (7 already on line);
5 Nightstalker HU-25A's (3 already delivered);
8 (approx) HH-65A Helicopters (80 already delivered).
2 C-130 Patrol Aircraft (29 already on line); and
5 Forward Looking Airborne Radars (FLAR) to be installed on C-130's.

In addition, the following assets have been funded and are expected to be delivered some time after the next six months:

1 Sea-Based Aerostat;
11 110-foot Patrol Boats;
5 270-foot Medium Endurance Cutters;
8 HH-65A Helicopters;
20 FLAR's on C-130's; and
2 Land-Based Aerostats (project to be transferred from Customs; 1 already on line).

The Aerostats will be used for detection of both seaborne and airborne targets. The patrol boats and medium endurance cutters will be used for detection and interception of seaborne narcotics smugglers. The Nightstalker HU-25A's are specially equipped for detection, tracking and particularly interception of airborne targets. The C-130's are used for detection and long-endurance tracking of airborne targets and will have enhanced detection capability as a result of the installation of the FLAR's.

QUESTION. AS OUR EXPERTS ON DRUG INTERDICTION, WHAT MEASURES OF SUCCESS DO YOU EMBRACE AS APPROPRIATE IN JUDGING THE EFFECTIVENESS OF DRUG INTERDICTION VS. SOME OTHER COMPONENT OF OUR ANTI-DRUG EFFORT?

Answer. The ultimate measure would be the amount of drugs not shipped because of the deterring effect of drug-interdiction operations. The Coast Guard generally uses pounds seized because of confidence in accuracy. It has been our experience that accurate measures of effectiveness are difficult to develop. Many of the parameters used are estimates. Also, statistics on illegal operations are not often available. The method of using drug or street price as a measure is difficult because price is affected by domestic supply and demand reduction through education.

The Coast Guard is part of a multiple drug interdiction strategy which makes it difficult for a single measure of effectiveness to exist. The only reliable sampling available to the Coast Guard is the number of drug interdictions. This, used in conjunction with pounds seized, gives us our most accurate record of drug interdiction effectiveness.

QUESTION. TELL US WHAT IS HAPPENING TO DRUG SEIZURES AND WHAT HAS HAPPENED TO DRUG SEIZURES SINCE THE 1986 DRUG BILL IN THE AIR, AT SEA, AND AT THE LAND BORDERS?

Answer. Since 1986 Coast Guard drug seizures have continued the same pattern as over the last five years. Marijuana seizures have continued to drop while cocaine seizures have increased dramatically.

The drop in marijuana seizures can be attributed to many reasons, such as: increased use of joint and combined operations; improved intelligence; shift to other modes of transportation and other drugs, such as cocaine; greater in-country eradication and seizure success; the increased use of hidden compartments, necessitating smaller loads and increased difficulty of detection; and the continuance of Mexico as the leading source and transshipment area, thereby reducing maritime shipping of marijuana.

Cocaine seizures nearly doubled in fiscal year 1987, and 1988 data thus far indicate a continuation of this trend. This dramatic increase is probably due to an overall increase in the shipment of this drug, increased focus on this drug by drug interdiction efforts and increased experience with detection of cocaine aboard smuggling vessels.

QUESTION. WHAT ARE YOUR THOUGHTS ABOUT THE CONCLUSIONS OF THE WHARTON STUDY?

Answer. We believe that we need to target interdiction efforts close to the source, while the shipments are still in wholesale quantities.

QUESTION. WHAT IS YOUR RESPONSE TO THE RAND STUDY AND WHAT EVIDENCE CAN YOU POINT TO THAT IS MORE OPTIMISTIC ON THE SUCCESS OF INTERDICTION IN STOPPING DRUGS FROM ENTERING THE U.S.?

Answer. The need to decrease demand is very real, but does not deny the need to maintain or even increase interdiction efforts. Only by attacking the problem on both fronts will we ever make gains on this national problem.

Coast Guard success against cocaine trafficking has increased steadily over the past five years. In fiscal year 1987 we seized almost 13,000 pounds of cocaine, nearly double the amount of the previous year. Fiscal year 1988 data show the same upward trend.

The real measure of effectiveness of drug interdiction efforts is very difficult to measure, namely the amount of drugs not shipped due to the deterrent effect of law enforcement activities. The decline in the tonnage of marijuana seized over the last several years, for example, can be attributed to the deterrent effect of several efforts such as increased use of joint and combined operations, increased intelligence effectiveness, greater in-country eradication and seizure success and increasingly smaller loads due to the need to hide contraband in hidden compartments to decrease detectability.

Given adequate funding to operate existing and new assets already programmed into the pipeline, we expect effectiveness to continue to increase.

QUESTION. WHAT IS YOUR VIEW OF THE ARGUMENT THAT INTERDICTION DOESN'T WORK, SO LETS PUT OUR INTERDICTION MONEY INTO OTHER AREAS?

Answer. This national problem must be attacked on both fronts, addressing both demand reduction and supply interdiction. The need to attack the demand side does not deny the need to maintain, or even increase, our interdiction efforts.

QUESTIONS SUBMITTED BY SENATOR ALFONSE D'AMATO

QUESTION. SUCCESSFUL MODERN MILITARY OPERATIONS DEPEND UPON INTELLIGENCE AND COORDINATED, TIMELY ACTION. THE DEFENSE DEPARTMENT HAS A HIGHLY DEVELOPED WORLD-WIDE COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE NETWORK. TO WHAT EXTENT ARE COAST GUARD HEADQUARTERS AND INDIVIDUAL COAST GUARD UNITS INTEGRATED INTO THIS NETWORK?

Answer. The Coast Guard employs the World Wide Military Command and Control System (WWMCCS), primarily in the area of Contingency Preparedness. All Coast Guard cutters are integrated into the network, reporting their position and intended movements periodically. Since the information available through WWMCCS is not generally considered tactical in nature, only Headquarters and the two Area commands are equipped for WWMCCS data retrieval.

QUESTION. ARE YOU ON THE PENTAGON'S "WORLD WIDE MILITARY COMMAND AND CONTROL SYSTEM?"

Answer. Yes. Since the information available through WWMCCS is not generally considered tactical in nature, only Headquarters and the two Area commands are equipped for WWMCCS use.

QUESTION. HOW DOES THE COAST GUARD'S OWN COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE NETWORK COMPARE WITH THE DEFENSE DEPARTMENT'S?

Answer. They are both effective systems, but are designed to look for different targets. In drug interdiction we are looking for low altitude, slow-flying intruders. The Department of Defense (DOD) is looking for high altitude, fast-flying intruders.

QUESTION. DO YOUR MEDIUM ENDURANCE AND HIGH ENDURANCE CUTTERS HAVE DIGITAL DATA LINK AND SATELLITE COMMUNICATIONS CAPABILITIES? ARE THEY COMPATIBLE WITH NAVY EQUIPMENT?

Answer. Coast Guard units do have communications equipment to interface with DOD resources for drug interdiction activities. This equipment is not all "state-of-the-art". However, we use them routinely for Refresher Training (REFTRA), Fleet Exercises (FLEETEXs) and other real-world missions in addition to drug interdiction.

We do not have digital data link capability on our cutters. However, the new 270-foot medium endurance cutters do have hardware installed which could be upgraded with software and additional equipment which would allow use of the Navy Tactical Data System (NTDS) to communicate with DOD assets via digital data links. Additionally, the 270-foot cutters and the post FRAM (Fleet Rehabilitation and Maintenance) 378-foot cutters have satellite communication capability.

QUESTION. DO THEY HAVE THE ABILITY TO RECEIVE DOWN-LINKED TARGET DATA FROM AWACS OR E-2C AIRCRAFT?

Answer. Coast Guard units do not have the capability to receive downlink target data from E-2C's. They are, however, able to receive target information over voice communication circuits.

QUESTION. I ATTENDED THE DEDICATION CEREMONY FOR YOUR NEW HU-25A NIGHTSTALKER AIRCRAFT. THIS IS A PURSUIT AIRCRAFT. WILL IT BE ABLE TO RECEIVE, OVER A DIGITAL DATA LINK, TARGET DATA FROM THE NEW CUSTOMS SERVICE P-3 RADAR SURVEILLANCE AIRCRAFT? FROM AIR FORCE AWACS OR NAVY E-2C'S FLYING ANTI-DRUG MISSIONS?

Answer. No. Nightstalker receives target information from detection/surveillance aircraft through voice communication circuits.

QUESTION. IF THERE IS NO COAST GUARD APPREHENSION AIRCRAFT AVAILABLE WHERE THE SMUGGLERS LAND, BUT THERE IS A CUSTOMS SERVICE HELICOPTER, CAN THE HU-25A PASS ITS TARGET DATA DIRECTLY TO THE HELICOPTER SO IT CAN LAND NEXT TO THE SMUGGLER'S AIRCRAFT AND MAKE THE ARREST?

Answer. Yes, this is being done now.

QUESTION. WHAT IS THE COAST GUARD'S PARTICIPATION IN THE NEW CUSTOMS SERVICE COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE CENTERS AT MARCH AIR FORCE BASE, RICHMOND HILL, AND AT TINKER AIR FORCE BASE IN OKLAHOMA?

Answer. The Command, Control, Communications and Intelligence (C3I) center at Richmond Heights (C3I East) is a joint center with equal participation between Coast Guard and Customs. Approximately 55 Coast Guard people are assigned, with overall command responsibility rotating between the two services every two years.

C3I West at March Air Force Base is a Customs command to which 5 Coast Guard people are assigned as part of the staff.

Tinker Air Force Base appears to be only one of the potential sites for the Customs National Aviation Center (CNAC) which will be a Customs command. We plan to assign two liaison officers to the staff of that facility when it is built.

QUESTION. ONCE THESE JOINT C-CUBED-I CENTERS ARE ESTABLISHED, WHAT RELATIONSHIP WILL THEY HAVE WITH EXISTING COAST GUARD C-CUBED-I CENTERS?

Answer. Except for the joint participation with Customs at Richmond Heights and March Air Force Base described previously, the Coast Guard does not operate any C3I centers.

There are several Operations Control Centers (OPCEN's) which provide guidance to Coast Guard operational resources. These will be tied into the C3I centers with communications links so that there is good coordination between units and effective utilization of all aircraft and cutters.

QUESTION. WHAT RELATIONSHIP WILL THEY HAVE WITH DEFENSE DEPARTMENT C-CUBED-I CENTERS -- SPECIFICALLY CARIBBEAN COMMAND, SOUTHERN COMMAND, PACIFIC COMMAND, ATLANTIC COMMAND AND NORAD?

Answer. The C3I Center East at Richmond Heights will have data fed into it from different DOD sources as they become available. The architecture of the system is designed to be flexible to accept new sensors such as a Caribbean radar network, Air Force Over the Horizon Backscatter (OTH-B) radar system and Navy Relocatable Over the Horizon Radar (ROTHR). Information from these sensors will probably flow to Coast Guard and Customs C3I centers through other DOD C3I centers.

QUESTION. WILL THEY ROUTINELY PASS OPERATIONAL DATA OVER DIGITAL LINKS TO THESE DEFENSE COMMANDS?

Answer. The C3I Centers East and West use the DOD Automated Data Network (AUTODIN) as the primary means for passing message traffic. Thus, they have the capability to communicate with any DOD command that has AUTODIN capability.

QUESTION. HOW MANY MEDIUM AND HIGH ENDURANCE CUTTERS DO YOU HAVE DEPLOYED, ROUTINELY, IN AREAS UNDER AIRBORNE SMUGGLERS' FLIGHT ROUTES?

Answer. On a typical day the Coast Guard has 5 or 6 High or Medium Endurance Cutters underway for dedicated drug law enforcement operations (based on fiscal year 1987 data). Airborne smugglers use a wide variety of flight routes attempting to escape detection. Therefore it is difficult to determine whether or not cutter patrols are, in fact, deployed under any specific flight routes.

There are also many other cutters underway at the same time for various other missions. These multi-mission platforms are also always looking for drug smuggling activity while performing their non drug enforcement missions.

QUESTION. CAN THE HIGH ENDURANCE CUTTERS WITH AIR SEARCH RADAR IDENTIFY, TRACK AND REPORT SUSPICIOUS AIRBORNE TARGETS TO HEADQUARTERS OR TO COAST GUARD AIRCRAFT?

Answer. Yes, the High Endurance Cutters have a limited capability to do so. Their AN/SPS-29 air search radars are very old. They are capable of tracking small aircraft at higher altitudes at ranges of 50 to 100 miles if the aircraft is using an IFF transponder. They have very limited ability to track small, low-flying aircraft without transponders.

QUESTION. ARE THERE ANY PLANS TO OBTAIN AIR SEARCH RADAR FROM THE NAVY TO INSTALL ON THE MEDIUM ENDURANCE CUTTERS, OR TO MODIFY THE RADARS THEY NOW USE TO CONTROL HELICOPTER OPERATIONS TO PERFORM AS AIR SEARCH RADARS?

Answer. No plans exist at this time. The Navy's air search radars are much too large and heavy to mount on our cutters. The masts on our medium endurance cutters cannot support these heavy radars which would jeopardize their stability due to excessive top-side weight.

Medium Endurance Cutters use surface search radar with transponders installed aboard the helicopter to control helicopter operations. It is not feasible to modify the surface search radar to perform as an air search radar.

QUESTION. ARE COAST GUARD OFFICERS ROUTINELY ASSIGNED TO U.S. EMBASSIES IN DRUG SOURCE COUNTRIES?

Answer. Yes, we have officers assigned to The Bahamas, Colombia, Mexico, and Haiti.

QUESTION. ARE THERE DRUG SOURCE COUNTRIES WHERE YOU WOULD LIKE TO HAVE COAST GUARD LIAISON OFFICERS ASSIGNED, BUT HAVE NOT BEEN ABLE TO DO SO?

Answer. Yes, we feel it would prove beneficial to have liaison officers assigned to Venezuela, Honduras, Dominican Republic, Colombia (Cartagena), Jamaica, Barbados, Costa Rica, Thailand, and the Phillipines.

QUESTION. SUBTITLE A OF TITLE III OF S. 2205, THE OMNIBUS ANTIDRUG ABUSE ACT OF 1988, PROVIDES $186 MILLION IN ADDITIONAL BUDGET AUTHORITY FOR THE COAST GUARD FOR MARINE AND AIR INTERDICTION ASSET PROCUREMENTS AND OPERATIONS AND MAINTENANCE. IF THESE FUNDS WERE MADE AVAILABLE, OVER THE AMOUNTS REQUESTED IN THE PRESIDENT'S BUDGET, WHAT WOULD YOU SPEND THESE FUNDS FOR?

Answer. These acquisition funds, if made available, would be used to procure additional assets, improve existing assets, and provide operational follow-on support for the new and improved assets.

New acquisitions would include additional HH-60 helicopters for the Operational Bahama Task Force (OPBAT) effort, and additional 110-foot Island class patrol boats for drug interdiction in the southeast and along the gulf coast.

Improvements to existing assets would include: upgraded secure communications capabilities for cutters and shore stations to enhance inter-operability with other law enforcement agencies; moving the Cape Canaveral aerostat to the west coast of Florida to improve radar coverage of the gulf coast; installation of Forward Looking Airborne Radars (FLAR's) on HC-130 aircraft to improve their surface target detection capability; engine improvements for the HH-65 helicopters, which are the primary helicopter for deployment on cutters during law enforcement patrols, to increase their readiness and reliability; installation of Active Gated Television for the Aireye systems on HU-25B aircraft; establishment of permanent support facilities for OPBAT and interceptor air interdiction assets at Miami and Clearwater air stations; and adding a surface search capability to the existing air search radars on the three CARIBAL aerostats now being transferred from Customs.

QUESTION. WHAT IMPACT WOULD THESE FUNDS HAVE, DO YOU BELIEVE, ON YOUR INTERDICTION SUCCESS RATE?

Answer. The resources which would be provided by this bill would allow the Coast Guard to patrol the transit and arrival zones more thoroughly than we are currently able to do. This would likely result in a increase in successful seizures and have a significant impact on the amount of contraband entering the country. Also, it would probably would create a greater deterrence factor as smugglers recognize a higher likelihood of interdiction.

QUESTION. SECTION 940 OF THE DEFENSE AUTHORIZATION BILL DIRECTS THE PRESIDENT TO DESIGNATE A "LEAD AGENCY" FOR DETECTION AND MONITORING OF AIR- AND SEABORNE ILLEGAL BORDER CROSSERS. WHAT IS YOUR VIEW OF THE IMPACT OF THIS PROVISION ON YOUR OPERATIONS, ESPECIALLY IF THE DEFENSE DEPARTMENT IS DESIGNATED THE LEAD AGENCY?

Answer. The Coast Guard is the existing lead agency in the maritime area for interdiction and detection. This role has a long history extending from 1790 when the Revenue Cutter Service was founded. Our people are trained for this mission, and we are successful at it.

The DOD is not properly suited for civilian law enforcement. While they have provided valuable resources and intelligence to our interdiction programs, and should continue to do so, we do not feel they should be designated as the lead agency.

QUESTION. SECTION 940 ALSO DIRECTS THE DEFENSE DEPARTMENT TO INTEGRATE THE COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE SYSTEMS USED IN THE DRUG INTERDICTION EFFORT. WHAT IMPACT WILL THIS HAVE ON YOUR OPERATIONS?

Answer. This will have a negative effect on the Coast Guard operations in several ways. There will be confusion because a well trained group has to slow down it's law enforcement efforts to train a new infrastructure. There will be duplication of effort as the DOD C3I structure duplicates what is being done by the Coast Guard and other agencies. There will be legal questions because several laws may have to be rewritten to allow greater DOD participation.

The DOD is currently providing excellent support to the Coast Guard and should continue in the same manner. Money can be best spent by returning the Coast Guard to it's required level of funding so as to operate it's cutters, aircraft, and patrol boats fully.

QUESTION. I UNDERSTAND THAT THERE IS A REGULATION THAT REQUIRES VESSELS OF OVER 499 TONS TO NOTIFY YOU AT LEAST 24 HOURS IN ADVANCE OF THEIR ARRIVAL IN U.S. PORTS, BUT THAT ALLOWS SMALLER VESSELS TO NOTIFY YOU OF THEIR ARRIVAL WITHIN 24 HOURS AFTER THEY HAVE ENTERED OUR PORTS. WOULD YOU SUPPORT CHANGING THAT REGULATION IN SOME FASHION SO THAT SMALLER VESSELS ARRIVING FROM OUTSIDE U.S. TERRITORIAL WATERS WOULD ALSO HAVE TO PROVIDE ADVANCE NOTIFICATION OF THEIR PLANS?

Answer. The idea has merit, but the handling of the greatly increased amount of traffic generated by such a regulation is not feasible. We also feel that drug smugglers would simply ignore this regulation, leaving the law abiding vessel owner as the only person actually impacted by this regulation.

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

SENATOR MIKULSKI: I noted Admiral that you were on CBS last night complaining about the budget cuts forced upon the Congress due to the administration's annual Hobson's choice over funding within Function 400. S. 2205 would give you an additional 800 positions for drug enforcement and another $186 million for more marine and air interdiction equipment like planes and ships. What would you do with these resources and would they be enough to combat the war you are waging against drug smugglers?

ANSWER: Our ability to interdict drugs is almost a straight line relationship with the amount of assets available. If we were to receive $186 million in new money in this bill we would put it to excellent use. The types of equipment we would purchase would include additional E-2C surveillance aircraft, additional 110 foot patrol boats, additional HH-60 helicopters, secure communications equipment, forward looking radars (FLAR) for our HC-130 search aircraft as well as other, miscellaneous drug interdiction equipment.

SENATOR MIKULSKI: Will these resources be enough for you to take the Coast Guard Yard off you proposed hit list?

ANSWER: After further study, we decided to continue full operation of the Coast Guard Yard.

SENATOR MIKULSKI: I support giving you more interdiction resources. We need to target our money on both supply and demand. But I want to make sure that your spend any money wisely. Your budget office has said that they have no handle whatsover on whether or not your major procurements stay within costs. For example, two private shipyards have a combined overrun that is over $200 million on modifying your 378-foot cutters. In addition, the shipyard working on the class B 210-foot cutters is about 30 percent over cost. If we give you more resources, what internal auditing and procurement reforms will you initiate to guarantee the American taxpayer they're getting their money's worth?

ANSWER: The Coast Guard has been actively implementing procedures and organizational relationships to adequately monitor the procurement of equipment and internal auditing of project costs. In January 1986, the Coast Guard created a new Office of Acquisition to address the types of acquisition problems you cite. Along with this reorganization, several procedural changes have been made to ensure that the interests of the American taxpayer are protected. For example, the Office of Acquisition has established project managers for every major procurement project with a fully dedicated support staff. Our project officers have broad authority and responsibility over the projects they manage, and they are accountable directly to top level management. In addition to the experience they bring to the job, all our project officers are trained in project management. External to the Coast Guard, the Office of the Secretary of Transportation has oversight responsibility for our major procurements and fleet modernizations and are briefed periodically concerning the milestones achieved in the various projects and any difficulties being encountered.

IMMIGRATION AND NATURALIZATION SERVICE

ADDITIONAL COMMITTEE QUESTIONS

1. QUESTION:

I want to first clarify a misconception that I believe exists regarding the Anti-Drug Act of 1986. Did the Immigration and Naturalization Service receive any funding increases for personnel or assets from the 1986 Drug Bill? Is this also true in regard to the U.S. Border Patrol?

1. ANSWER:

Neither the Immigration Service or the U.S. Border Patrol received any funding increases for personnel or assets from the 1986 Drug Bill, even though, starting in July 1986, the Border Patrol assigned a full-time coordinator to the Southwest Border Subcommittee's Operation Alliance and soon after, in cooperation with DEA, commenced mobile corridor operations between the ports of entry.

The INS Anti-Smuggling Program likewise received no funds from the Anti-Drug Abuse Act of 1986 to further its mandate to investigate and prosecute organized alien smuggling conspiracies. Nonetheless, it was instrumental in the successful immobilization of a number of international drug trafficking groups and figures, including most recently a high-level member of the Caro-Quintero family responsible for the killing of DEA Special Agent Enrique Camarena.

I would like to point out that the provisions of the Bill that affect INS significantly increase our enforcement responsibilities. It expands the range of deportable offenses for those aliens convicted of narcotics related violations. It also requires prompt custody and detainer actions on the part of the Service when Federal, state, and local law enforcement officials inform us of an alien's arrest for any controlled substance violation. The Bill also requires INS to conduct a four city pilot to enhance its computer capabilities to address the issue of criminal aliens involved in controlled substance violations.

2. QUESTION:

There have been questions raised by myself and others in regard to the number of Border Patrol officers working in the four states along the Southwest border. What are your most up-to-date staff totals for Border Patrol officers working in each of these four states?

Are these figures based on what has been authorized or what INS has actually been funded for?

2. ANSWER:

The Border Patrol does not maintain on-duty force statistics by state because of the overlapping geographical jurisdiction of Border Patrol sectors. However, there are presently 2,875 Border Patrol agents on-duty in the states of California, Arizona, New Mexico and Texas. These figures are based upon funded positions.

Border Patrol Force - June 9, 1988

Sector	On-Duty
Marfa, TX	126
El Paso, TX	511
Del Rio, TX	304
Laredo, TX	256
McAllen, TX	280
Tucson, AZ	242
Yuma, AZ	210
El Centro, CA	222
San Diego, CA	724
TOTAL	2875

Although the Immigration Reform and Control Act of 1986 authorized a 50% increase in the Border Patrol, no funding has been received for the remaining 527 FTE's in the IRCA enhancement which would cost $20,502,000.

3(a) QUESTION:

In the Anti-Drug Abuse Act of 1988 that Senator D'Amato and I have introduced, we have included $20 million for additional Border Patrol personnel, approximately 500 new positions. Looking at the drug seizures by Border Patrol in the past two years, without additional funding from the 1986 Drug Bill, it makes you wonder what your agency could do if had added personnel to assets.

Realistically Mr. Commissioner, if you were to receive the $20 million from our drug bill, could you handle the additional 500 positions?

3(b) QUESTION:

Do you think you could handle twice that amount, $40 million and 1,000 new Border Patrol positions, and where would you place these new positions and what affect on narcotics trafficking do you believe these additional slots could provide?

3(a) ANSWER:

The $20 million dollars for Border Patrol agents would enable the Patrol to fully staff the personnel authorized in the 1986 IRCA Bill. The Border Patrol can handle an additional 500 positions by placing agents along the entire land border with a proportionally higher number dedicated to high drug trafficking areas e.g. Tucson, Yuma, McAllen, El Paso, Laredo, San Diego etc. The Patrol is currently undergoing a major recruiting and training program which would be expanded to accomodate the additional positions provided by this bill. The hiring of the additional agents would be scheduled to coincide with the expansion of training facilities to accomodate the 18 week basic course.

3(b) ANSWER:

In anticipation of full funding, the Border Patrol presently is completing plans to hire and train the remaining authorized personnel under IRCA. The Border Patrol could absorb an additional 1,000 positions and quickly get them hired and trained using our new one-stop examination/interview/medial initiative for bringing agents on board expeditiously. These new agents would be deployed across the entire border with special attention paid to those sectors experiencing heavy narcotic intrusions.

With these expanded resources, the Border Patrol should continue to maintain surveillance and control activities for the land border, since the Border Patrol already has the resources and infrastructure in place for this mission. The Border Patrol is a unique law enforcement agency in its mission, capabilities and accomplishments. In protecting our nation's borders the Border Patrol has arrested over one million aliens attempting illegal entry to the United States in each of the last five years. These illegal entrants present a law enforcement problem, not a national defense problem. The number of drug related illegal entries on the Southwest border is small compared to the number of non-drug related illegal entries. Border Patrol efforts provide several important benefits in the comprehensive law enforcement responsibilities of the federal government. First: we intercept both aliens and drug shipments which have illegally crossed our borders. 60% of the drugs seized on the Southern Border - whether at ports of entry or between the ports - is seized by the Border Patrol. The number of alien apprehensions may exceed one million again this year - down significantly from the FY 85 high of 1.8 million - due to economic conditions in much of Latin America. Second: We preserve our friendly relations with Canada and Mexico which have allowed the United States. Third: We protect and save lives of aliens who are preyed upon by border bandits, and of countless individuals lost in the mountains and deserts of the Southwest, and in our national forests and parks. Border Patrol training and expertise in Spanish language and border enforcement techniques, especially in the ability to follow tracks through remote areas, have prevented many tragedies. Fourth: Border Patrol operations serve as a model for other countries which face increasing illegal entries across their borders. Many countries have sent officers to the United States for instruction at Border Patrol sectors. Fifth: Border Patrol operations support local communities and law enforcement by assisting in emergency situations, and maintaining the border area cultural heritage. The majority of Border Patrol employees are native to the border area and are keenly sensitive to the strong cultural ties that span the border.

4(a) **QUESTION:**

Along the Southwest border, the assets that Border Patrol officers have to work with are an embarrassment. We have asked these men and women to work the front lines in the drug war yet they have no voice privacy communication, so traffickers constantly monitor where each officer is. They are up against heavily armed traffickers, yet in the Tucson Sector, they have one or two machine guns for 75 to 100 officers.

Before I go on to what assets Border Patrol needs, do you have a figure on the number of shoot-outs Border Patrol officers have been involved in along the Southwest border during the last year?

A SAMPLE OF RECENT ARMED ENCOUNTERS

San Diego Sector reported on 12/21/87 at 11PM, an illegal alien fired a shot at Border Patrol Agents, wounding an alien in custody. Agents returned fire with handguns and killed the alien who was believed to be a bandit.

Tucson sector reported on 1/19/1988, at 8:30PM, two Border Patrol Agents intercepted six mounted Mexican males armed with AK-47 automatic weapons and laden with heavy bundles. One of the Mexicans jumped down off his horse and pointed his weapon at the agent. The agent retreated to a safe location and called for backup. It was learned later, that the agent was in the process of being "flanked" by two other smugglers.

McAllen sector reported that on 2/6/88 at 6:30PM, Border Patrol Agents encountered armed subjects near an area notorious for drug smuggling. When challenged by agents, the subjects opened fire. Agents recovered a Colt .45 automatic.

McAllen sector reported that on 3/1/88, Border Patrol Agents encountered an armed individual after responding to sensor activity. Subject fired at the agents with a 9mm Star automatic. The area was searched and 317 pounds of marijuana was located.

Tucson sector reported that on 3/14/88 at 8:30 PM, Border Patrol Agents confronted two armed horsemen in a canyon near Nogales. The horsemen began firing with AK-type assault rifles. The agents returned fire. The horsemen returned to Mexico.

Tucson sector reported on 3/17/1988, at 9:30PM, Border Patrol Agents responding to sensor activity encountered six-eight horsemen with approximately twenty pack animals laden with marijuana near Nogales, AZ. The smugglers immediately began firing with full automatic weapons (which later were identified by shell casings as Communist-bloc AK-type weapons). Agents noted that the smugglers had scanners and were monitoring BP frequencies. Agents called for backup and the horsemen fled south. Additional Agents intercepted the riders again and another shootout began as the smugglers fled into Mexico. One hundred and seventy shell casings were located the next morning along with marijuana.

El Paso sector reported that on 3/22/88, Border Patrol Agents responding to sensor activity, seized 2,387 pounds of marijuana discovered in a horse trailer. Agents interviewed subjects arrested with the marijuana that stated that seven mexican males had transported the marijuana were armed with AK-47 automatic weapons.

El Paso sector reported that that on 4/20/88 at 2:30AM, Border Patrol Agents observed nine subjects armed with shotguns and assault rifles enter the U. S. near Yarbrough Street. The subjects were carrying bundles which were deposited near the levee. Subjects appeared to be very regimented employing military-type tactics of deployment (flanking). Subjects returned to Mexico leaving 562 pounds of marijuana which was seized. No shots fired.

El Paso sector reported that on 5/9/88 at 9:00PM, Border Patrol Agents encountered a subject carrying 64 pounds of marijuana through the Bridge of the Americas Port of Entry. As agents approached subject, he pointed a 9mm Star automatic but did not fire as the agent grabbed his gun.

McAllen sector reported on 5/10/1988, to be aware of a cocaine smuggler driving a black 1980 Chrysler who caries a 9mm Uzi automatic. Subject also smuggles undocumented aliens.

McAllen sector reported on 5/13/1988, Border Patrol Agents seized 908 pounds of marijuana in a 1979 Chevrolet van. Subject fled into the brush but was apprehended. Subject was armed with a Colt .38 Super automatic.

Tucson sector reported on 5/17/1988, Border Patrol Agents stopped a suspicious vehicle, obtained and executed a warrant to search the vehicle which resulted in 1500 pounds of marijuana, ten weapons (Mac-10 and AK-47 automatic weapons), and arrested eleven persons.

4(b) In regards to assets, we have put $20 million into the Drug Bill for new vehicles, spare parts for helicopters, initial funding of mobile sensor response system and and electronic intrusion detection. What would be the priority items for the $20 million?

4(c) Would the $20 million sufficiently fund the items needed most by Border Patrol to carry out their mission and if not how much more would be needed and how would it be spent?

4(a) **ANSWER:**

As of May 17, 1988, there have been twenty-three incidents on the Southwest border where Border Patrol agents have been fired upon and returned fire in FY 88. These incidents do not include other armed encounters where a weapon was found but not used against the agent. Further, this figure does not include assaults on Border Patrol agents. A sample of some of the incidents are attached.

4(b) ANSWER:

Immediate equipment priorities for the Border Patrol will be:

o	Voice privacy capability for all communications	$4.0 m
o	Electronic intrusion detection	$8.0 m
o	Equipment night vision devices (e.g. Infra-red scopes and low level light night vision goggles)	$3.0 m
o	Fix wing and helicopter aircraft and spare parts	$4.0 m
o	Low level light television systems and enhancements	$1.0 m

4(c) ANSWER:

No, an additional $123 million is needed to fully equip the Border Patrol to carry out its mission due to the absence of any funding over the 1986 Anti-Drug Bill. The funds could be spent on additional communications equipment, electronic intrusion devices, night vision equipment, aircraft and boats.

QUESTION:

5. Among drug arrests made by Border Patrol, are the majority Mexican nationals?

ANSWER:

In FY 87 the Border Patrol made a total of 2,751 narcotic seizures with a value of approximately 582 million dollars. In reviewing the drug arrests made by the Border Patrol in connection with the above seizures the majority of arrestees were Mexican nationals.

Individuals arrested for narcotics violations are turned over to the agency that delegated the authority under which the arrest was made. If the arrest was made under Title 19 authority, the arrestee is turned over to Customs. If the arrest was made under Title 21, the arrestee is turned over to DEA. If, for some reason, either agency refuses to prosecute the individual, then state authorities are contacted. If the state authorities refuse prosecution, then the local authorities are contacted for prosecution.

When the individual arrested is an illegal alien, he is processed as such before being turned over for prosecution. At the time of being turned over, the accepting agency is notified that an Immigration "Hold" is being placed on the individual. When the individual is ready for release, after serving his time, the Immigration Service accepts him back and begins formal deportation. The subject is ultimately formally deported to his home country.

6. QUESTION:

Operation Alliance has been in existence for approximately two years in effort to coordinate the Federal, state and local agencies working along the border. There has been criticism of the fact that nobody seems to be in charge of running the operation.

What role does Border Patrol maintain in staffing and coordinating Operation Alliance and is your agency budgeted any funds for its role?

What changes are being made within Operation Alliance to insure better coordination between the Federal, state, and local law enforcement officers working on the Southwest border?

6. ANSWER

The Border Patrol provides 7 full-time positions plus a coordinator in each region with a minimum of 49 agents to each mobile corridor. The I&NS filled the role of Senior Tactical Coordinator from January 1, 1987 to December 31, 1987 and is resuming the role as of July 1, 1988. The six positions located at Alliance headquarters are devoted solely to the coordination of Operation Alliance. Border Patrol maintains the largest of the agencies staffs at Alliance headquarters. The Border Patrol also has staff assigned to most of the Border Alliance groups. I&NS has never received any drug interdiction related funding.

Answering only for the I&NS, we note that the Border Patrol significantly increased the number of individual Border Patrol sector initiatives. In each of these sector initatives state and local law enforcement agencies are being encouraged and do participate with the Border Patrol. This enables police departments, Sheriff offices, Department of Public Safties, State Fish and Game agencies to mobilize task forces. In reassuming the lead in Operation Alliance the Border Patrol will continue to emphasize and expand the roles of state, local and other Federal agencies. Attached are examples of coordinated Operation Alliance task forces on the Southwest border.

MOBILE CORRIDOR

The intent of a mobile corridor operation is to provide additional resources (manpower, equipment, intelligence) to a designated area along the Southwest Border for a limited time. The factors determining the location of the operation are based on a current threat assessment provided by EPIC, historical information on drug smuggling methods and routes, and current intelligence received from Border Patrol Sector Headquarters along the Southwest Border.

The objective of the corridor is to not only interdict drugs, contraband and aliens but disrupt the drug traffickers operations. This disruption will cause the smuggler to take risks he normally would not take, thereby increasing his chances at being apprehended.

A typical Corridor consists of detailing 48 Border Patrol Agents, 14 DEA Agents, and 12 Customs Officers to several selected areas along the Southwest Border for a period of 30 to 60 days.

MOBILE CORRIDOR #6
10-14-87 THRU 12-12-87

I. A. LOCATION :

SAN DIEGO, CA
TUCSON, AZ
LAREDO, TX
MCALLEN, TX

B. LENGTH & TYPE OF OPERATION :

60 DAYS
LINEWATCH, INSPECTION'S AT POE'S
TRAFFIC CHECK, SOUTHBOUND TRAFFIC AT POE'S

II. PARTICIPATING AGENCIES :

BORDER PATROL, U.S. PARK SERVICE
DEA, U.S. COAST GUARD
CUSTOMS, TEXAS D.P.S.

III. MANPOWER & SPECIAL EQUIPMENT :

49 BORDER PATROL AGENTS, 14 DEA AGENTS
HELICOPTERS, MINI-14'S
SECURE VOICE RADIOS, NIGHT VISION GOGGLES

IV. NOTABLE SEIZURES :

o 2296 LBS. COCAINE BORDER PATROL CHECK POINT
1987 LBS. MARIJUANA TRACTOR TRAILER RIG

o 1185 LBS. MARIJUANA BORDER PATROL CHECK POINT
TRACTOR TRAILER RIG

o 1433 LBS. MARIJUANA LINEWATCH

V. RESULTS :

CURRENCY - $ 53,520
MARIJUANA - 14,330 LBS.
COCAINE - 2,715 LBS.
WEAPONS - 7

VI. COMMENTS :

30 BORDER PATROL AGENTS WERE DETAILED TO KROME NORTH DETENTION FACILITY, MIAMI, FL. FOR 8 DAYS TO PROVIDE SECURITY DURING RIOTS INVOLVING CUBAN DETAINEES.

MOBILE CORRIDOR #7
1-11-88 THRU 2-14-88

I. A. LOCATION:
MCALLEN, TX
LAREDO, TX
DEL RIO, TX

B. LENGTH & TYPE OF OPERATION
30 DAYS
LINEWATCH, INSPECTION'S AT POE'S
TRAFFIC CHECK, SOUTHBOUND AT POE'S
RAILROAD FREIGHT YARDS

II. PARTICIPATING AGENCIES:
BORDER PATROL, TEXAS DPS
DEA
CUSTOMS

III. MANPOWER & SPECIAL EQUIPMENT:
60 BORDER PATROL AGENTS, 17 DEA AGENTS,
8 CUSTOMS OFFICERS
MINI-14'S, SECURE VOICE RADIOS, NIGHT VISION
GOGGLES, BORDER PATROL K-9

IV. NOTABLE SEIZURES
- 1272 LBS. MARIJUANA - LINEWATCH
- 819 LBS. MARIJUANA - LINEWATCH
- 77.5 LBS. COCAINE - TRAFFIC CHECK

V. RESULTS:
CURRENCY - $ 27,869
MARIJUANA - 8,601 LBS.
COCAINE - 77.5 LBS.
HEROIN - 1.5 LBS.
WEAPONS - 5

VI. COMMENTS:

DURING CORRIDOR #7, MEXICAN FEDERAL TROOPS WERE EXTREMELY ACTIVE ALONG THE BORDER FROM BIG BEND NATIONAL PARK TO BROWNSVILLE, TX. PART OF THEIR OPERATIONS INVOLVED A HIGH BORDER PROFILE, AND CONDUCTING ROADBLOCKS.

THEIR PRESENCE ALONG THE BORDER HAD A STRONG IMPACT ON THE CORRIDORS PRODUCTIVITY.

MOBILE CORRIDOR #8
3-11-88 THRU 4-12-88

I. A. LOCATION:
SAN DIEGO, CA
EL CENTRO, CA
YUMA, AZ
TUCSON, AZ

B. LENGTH & TYPE OF OPERATION
30 DAYS
LINEWATCH, INSPECTION'S AT POE'S
TRAFFIC CHECK, SOUTHBOUND AT POE'

II. PARTICIPATING AGENCIES:
BORDER PATROL, CALIFORNIA HIGHWAY PATROL
DEA SAN DIEGO POLICE DEPARTMENT
CUSTOMS

III. MANPOWER & SPECIAL EQUIPMENT:
49 BORDER PATROL AGENTS, 14 DEA AGENTS,
12 CUSTOMS AGENTS
RUGER MINI-14'S,
HELICOPTER
VOICE PRIVACY RADIOS
NIGHT VISSION GOGGLES

IV. NOTABLE SEIZURES

o	485.5	LBS. COCAINE	-	LINEWATCH
o	1513	LBS. MARIJUANA	-	LINEWATCH
o	4470	LBS. MARIJUANA	-	BORDER PATROL & AZ DPS
o	763	LBS. MARIJUANA	-	BORDER PATROL LINE WATCH
o	667	LBS. MARIJUANA	-	BORDER PATROL LINE WATCH
o	385	LBS. COCAINE	-	BORDER PATROL LINE WATCH
o	425.5	LBS. MARIJUANA	-	CUSTOMS AT POE SYS

V. RESULTS:
CURRENCY - $ 47,463 (US) 3,600,000 (PESOS)
MARIJUANA - 15,309 LBS.
COCAINE - 870 LBS.
WEAPONS - 20

VI. COMMENTS:
9 DETAILED BORDER PATROL AGENTS REMAINED AT THE NACO, BORDER PATROL STATION DURING THE ENTIRE DETAIL. 13 BORDER PATROL AGENTS ASSIGNED TO BORTAC CONDUCTED OPERATIONS IN THE ARIZONA DESERT.

BORDER PATROL MOBILE CORRIDOR OPERATIONS

Corridor number one (1) October 19, 1986 to December 18, 1986

LOCATION	DATES
Tucson, Arizona	10/19/86 to 11/9/86
El Paso,Texas	11/9/86 to 11/19/86
McAllen, Texas	11/19/86 to 12/18/86

AMOUNT SEIZED	TYPE OF DRUG SEIZED
11,754 POUNDS	MARIJUANA
1,107 POUNDS	COCAINE

Corridor number two (2) January 11, 1987 to March 11, 1987

LOCATION	DATES
McAllen, Texas	1/11/87 to 2/3/87
Tucson, Arizona	2/3/87 to 3/11/86

AMOUNT SEIZED	TYPE OF DRUG SEIZED
14,521 POUNDS	MARIJUANA

Corridor number three (3) March 12, 1987 to May 1, 1987

LOCATION	DATES
McAllen, Texas	3/12/87 to 4/25/87
Marfa, Texas	4/4/87 to 4/25/87
Yuma, Arizona	4/25/87 to 5/1/87
El Centro, California	4/25/87 to 5/1/87

AMOUNT SEIZED	TYPE OF DRUG SEIZED
20,278 POUNDS	MARIJUANA

Corridor number four (4) May 1, 1987 to June 9, 1987

LOCATION	DATES
Yuma, Arizona	5/1/87 to 5/9/87
El Centro, California	5/1/87 to 5/9/87
San Diego, California	5/9/87 to 5/25/87
Tucson, Arizona	5/29/87 to 6/9/87

AMOUNT SEIZED	TYPE OF DRUG SEIZED
1994 POUNDS	MARIJUANA

Corridor number five (5) August 16, 1987 to September 28, 1987

LOCATION	DATES
McAllen, Texas	8/16/87 to 9/8/87
Tucson, Arizona	9/8/87 to 9/28/87

AMOUNT SEIZED	TYPE OF DRUG SEIZED
6335 POUNDS	MARIJUANA

Corridor number six (6) October 14, 1987 to December 11, 1987

LOCATION	DATES
San Diego, California	10/14/87 to 10/28/87
Tucson, Arizona	10/28/87 to 11/16/87
McAllen, Texas	11/16/87 to 11/23/87
Laredo, Texas	11/23/87 to 12/11/87

AMOUNT SEIZED	TYPE OF DRUG SEIZED
14,330 POUNDS	MARIJUANA
2,715 POUNDS	COCAINE

Corridor number seven (7) January 10, 1988 to February 14, 1988

LOCATION	DATES
McAllen, Texas	1/10/88 to 1/17/88 & 2/9/88 to 2/14/88
Del Rio, Texas	1/18/88 to 1/23/88 & 1/30/88 to 2/3/88
Laredo, Texas	1/24/88 to 1/29/88 & 2/4/88 to 2/8/88

AMOUNT SEIZED	TYPE OF DRUG SEIZED
8,601 POUNDS	MARIJUANA
77 POUNDS	COCAINE
1.5 POUNDS	HEROIN

The results of corridor operations one (1) through (7)

AMOUNT SEIZED	TYPE OF DRUG SEIZED
77,814 POUNDS	MARIJUANA
2,792 POUNDS	COCAINE
1.5 POUNDS	HEROIN

7. QUESTION:

The Border Patrol has put together an impressive drug education program that has Border Patrol Officers going into the schools along the southwest border and teaching.

Could you briefly describe the program and what the results have been?

ANSWER:

DEMAND REDUCTION PROGRAM AND DRUG DOG PROGRAM

The U.S. Border Patrol adopted a Drug Dog Program to augment the Service's growing involvement in the "War on Drugs." In January of 1987 the Drug Dog pilot program was launched in the Southern Region with the purchase of four Belgian Malinois dogs. Arrangements for purchasing the dogs and training were made with Global Training Academy in San Antonio, Texas. The purchase of the dogs, which includes training, is $6,000. The training focuses on the detection of four basic odors: heroin, cocaine, marijuana, and human scent. The training period consists of 13 weeks, an 8 week course for the dogs, a 3 week course involving dogs and assigned handlers, and a 2 week practical training period at the actual duty station.

The Drug Dog program proved to be an unqualified success. In FY 87 the Border Patrol seized nearly 582 million dollars worth of narcotics. The Drug Dog teams were responsible for 200 million dollars in seizures.

It has become increasingly clear that law enforcement efforts to interdict narcotics entering the United States, while successful, cannot by those efforts alone eliminate the drug problem. Continued interdiction must be supplemented by source country elimination and demand reduction. Education of potential users is a viable method of demand reduction. The McAllen Border Patrol Sector was the first to implement Drug Awareness Programs in the public schools. Initially the Drug Dog teams were not utilized. The utilization of the Drug Dog teams combined with the drug awareness program seemed to have a greater impact on the student audience. The Laredo Sector soon followed with their school programs.

BORDER PATROL DRUG DEMAND REDUCTION PROGRAM

- Programs expanded in all five Border Patrol Sectors in Texas.
- Programs initiated in all land border Sectors in California and Arizona.
- Program development by local Border Patrol Agents and individually designed for maximum impact on audience grade level.
- Program for elementary students incorporate puppets and working materials such as coloring books, stickers, and poster.
- Middle school programs stress negative peer pressure and harmful effects of chemical and substance abuse. Consequences of drug use introduced.
- High School and adult/civic presentations continue the middle school theme and are supported with handout materials. Community cooperation, involvement, and support of local law enforcement is encouraged.
- Drug Dog demonstrations which show the dog's ability to sniff out narcotics proves to be highly successful in school programs. Students relate very well to the dogs and they hold the attention of the children.
- Latest figures indicate that the Border Patrol has provided Drug Demand Reduction programs to more than 175,000 children and parents.
- Drug Demand Reduction programs have been conducted in 55 schools in the Washington, D.C. Metropolitan area. While visiting area schools the Drug Dog Drug Awareness teams spoke to 20,541 students.

- The success of the educational programs is evidenced by favorable community response to the Border Patrol and law enforcement anti-drug efforts.

- Local and national press coverage of the Drug Dog teams efforts in interdiction and demand reduction education has served to increase requests for school programs.

- The Office of Employer and Labor Relations (ELR), has conducted 968,970 educational/informational visits to employers nationwide. These educational visits could be an effective vehicle for educating the American employee on the problems of drug abuse. INS contribution in education would have a significant impact on the National Drug Policy Board's goal of a drug free workplace.

1 Question: What are your views on the training provisions contained in S. 2205?

Training of enforcement officers is essential, and the bill provides new resources for this purpose. We need to provide coordinated training in border drug enforcement, investigations and demand reduction programs.

Training should provide classroom instruction and practical exercises in a broad array of drug related enforcement topics. I would suggest courses in the management of border drug interdiction task force operations, response to high-risk incidents involving hostages or violence, techniques of video and electronic surveillance, detection of concealed drug shipments, seizure laws and techniques, criminal evidence rules and safeguards, prosecution and alien deportation processes, foreign languages used by alien drug cartels and similar special purpose and tactical training. I would also recommend training in the operation and presentation of demand reduction education programs.

These training initiatives would increase the effectiveness of tactical coordination of interagency task force operation, increase officer and public safety, and build expertise in undercover operations.

This would be an appropriate area to provide funding to assist state and local law enforcement agencies to participate in coordinated federal-state-local training courses.

The new training facility proposed in Artesia, New Mexico could be an excellent site for consolidated border enforcement training.

2. INTERDICTION: R&D to Help Drug Interdiction Agencies

Question:

What is your view on this proposal to bring our top Federal laboratories into the drug R&D business?

Answer:

Since the Immigration and Naturalization Service (INS) has a small Research and Development office, we unequivocally support the provisions in Senate Bill S.2205 which concerns the establishment of eight new National Technology Development Centers to develop technologies for application to specific agency problems/needs as well as for the drug enforcement agencies. Because the INS has limited R&D resources, the establishment of National Centers would greatly enhance our capabilities in the research community. Through these centers we could expand our primary research initiative of developing technologies which will assist us to detect, deter, and apprehend illegal aliens prior to entry into the U.S., as well as its associated objective which is to detect and stop the flow of illegal drugs being brought into this country via the illegal entrant.

Question:

We also authorize $5,000,000 to accelerate cargo container drug detection research and development by Customs. What about that proposal?

Answer:

The INS has reviewed some of the cargo container drug detection research and development efforts which are now being pursued by the U.S. Customs Service and the Drug Enforcement Agency. We have been briefed on the successes of this program and strongly believe that this Research and Development initiative should continue. The INS has done some preliminary research on a related issue: The detection of persons (who may be transporting illegal drugs) in enclosed spaces. This issue is currently being discussed among the U.S. Customs Service, the INS, and the Canadian Customs Service.

QUESTION:

3. INTERDICTION: Zero Tolerance Program

Commissioner von Raab, Admiral Yost, both of you have come under fire from the public and certain civil liberties groups for carrying out the Administration's so-called Zero Tolerance program. The goal of this policy is to reduce the demand for drugs by making arrests and seizing property even when the amounts of illicit drugs are of "personal use" or recreational quantities." Frankly, I support the Zero Tolerance concept and believe that if we are to be consistent it our in out anti-drug effort that one marijuana cigarette in the ashtray of the Mercedes Benz should put that user in jeopardy of stiff penalties. We either tolerate drugs or we don't.

Now, I also am pragmatic and realized that our resources are stretched thin. But hopefully, the Zero Tolerance program "threat" will be held out there for those so-called recreational users to think about when they go out on the family boat.

Q: What is the official status of Zero Tolerance; what statistics can you provide on its effect: and what are your collective or individual views on the program?

ANSWER:

3. ZERO TOLERANCE PROGRAM

The INS supports Zero Tolerance and will continue to support it. Presently statistics are not available to gauge the effect of the program due to its recent inception and an inability to determine if "personal users" are now more cautious in possessing drugs in public. INS, through Inspections and Border Patrol activities, actively pursues and is implementing the "Zero Tolerance" policy. We would support, however, a modification to the seizure posture of Zero Tolerance that would put the owner or person in charge of any conveyance subject to seizure under this program to be fined heavily in lieu of seizure and forfeiture.

In any case we should report that as part of this legislation the Immigration Service is attempting to support the program by amending the Immigration and Nationality Act to deny relief to an alien who is convicted of simple possession of 30 grams or less of marijuana. Presently the Act allows an alien convicted for this amount to be granted discretionary relief from deportation.

7 Question: What are your views on a single agency for drugs, or what organizational changes would you recommend under the next Administration if we are all back here at this time next year?

Answer: I cannot see any benefit in proposals to reorganize INS, the Customs Service, Coast Guard or other agencies to form an ill-conceived border enforcement superagency or drug enforcement superagency. These proposals will impede the broad enforcement missions of each of these agencies.

For example, the INS enforcement mission includes the inspection of visitors and immigrants for entry to the United States, the investigation of alien violations of immigration regulations and criminal laws, the deportation of aliens from the United States, the examination of aliens seeking naturalization and the administration of a large and complex telecommunication and records system. These important activities will inevitably suffer under an attempt to reorganize INS. The missions of the Coast Guard or the Customs Service also encompass broad responsibilities beyond the scope of the single issue of drug enforcement.

Even with the creation of a superagency, no matter what the organizational structure, there would still be a continuing need to coordinate the operations of this agency with other federal agencies. The creation of a superagency would be likely to detract from efforts to enlist the combined efforts of all agencies to fight drug abuse. Other agencies, given their broad responsibilities, would be less inclined to divert limited resources to assist a single mission agency.

I believe that the more practical approach is to keep the present organizational structure of the Executive Branch but review the allocation of resources to ensure that new assets are based on results. This will reward agencies who contribute the most and are most successful in coordinating their efforts with other agencies.

If a reorganization is pursued, I would suggest that a border enforcement superagency be place within control of the Immigration & Naturalization Service. All contraband, whether drugs, weapons, stolen property or other, which is smuggled across our borders is transported by people. The vast majority of illegal entries across our borders are by aliens who are not bringing contraband. INS is traditionally a people oriented agency, apprehending over a million illegal entrants in each of the last five years, barring the entry of thousands of excludable aliens every year, and presenting thousands of citizens and aliens for prosecution for violations of immigration and other laws.

QUESTION:

Interdiction: Operation Alliance: Mobile Corridor Provisions in S. 2205

13. What are your view on the provision in our bill that puts your mobile corridor program into the statute book? Tell us how your mobile corridor program is working--cite seizure statistics if you have them available.

ANSWER:

Interdiction: Operation Alliance: Mobile Corridor Provisions in S. 2205

I wholeheartedly concur with the concept of the Mobile Corridor but am not sure it should be institutionalized by legislation. I have some concerns on the vagueness of some provisions, specifically:

a) The language of the bill should specify that the agencies are to receive the specified number of full-time positions which will be in addition to the current authorized force.

b) The funding for each participating agency should be proportionate to the agency personnel.

c) The placement of the funded positions along the southwest border should be at the discretion of the individual agencies.

d) Language in reference to monies to be utilized for state and local agency payments should be set in specific amounts.

The mobile Corridor concept should be augmented by Special Operations which are initiated by individual Sectors, thereby maintaining pressure on the smugglers and disrupting smuggling operations.

Special Operations can consist of:

a) Regional Operations

b) Sector Operations

c) Inter-Sector Operations

The benefits of Special Operations are:

a) Manpower - is localized with personnel who are readily available.

b) Funds - costs of travel and per diem are greatly reduced or eliminated.

c) Resources - agents are from local area and familiar with areas most

d) Time - there is not lost time for movement of personnel from one location of operation to another.

STATISTICS:

Eight mobile corridors have been conducted from San Diego, CA to Brownsville, TX during the period from October 1986 to May 1988.

TOTAL SEIZURES:	Marijuana	182,786 lbs.
	Cocaine	5,742 lbs.
	Heroin	51.8 lbs.

QUESTION:

14. INTERDICTION ALLIANCE: English Report

Do you Gentlemen agree with the English Committee's assessment of Operation Alliance, and if not, what specific improvements can you point to over the past year that would help prove your case?

ANSWER:

INTERDICTION

In addition to the mobile corridor, the Border Patrol planned, funded and opened a new Operation Alliance headquarters in El Paso, Texas and INS appointment a senior Tactical Coordinator to run the day to day operations of alliance. We have proposed a new rotation system for appointing the Senior Tactical Coordinator and Deputy Coordinator, effective July 1, 1988, whereby the order of rotation, commencing July 1, 1988 will be INS, then DEA and Customs. Each agency will provide Senior Tactical Coordinator for a period of one-year.

Mobile Corridor #8 which operated from March 11, 1988 to April 12, 1988 was a good example of state and local cooperation as it included Pima and Yuma County Sheriffs' Department Nogales and San Diego Police Department and the California Highway Patrol. Also, all of the mobile corridors, operated by Operation Alliance in FY 87 included state and local participation.

QUESTIONS:

15. INTERDICTION: BORDER PATROL ASSET NEEDS

1. Can you outline in detail what your equipment and asset needs are for the Border Patrol, beyond what is contained in the Fiscal Year 1989 Budget request?

2. Tell us also what the military may be able to do for you in fighting drug smuggling along the Southwest Border, if they get the new surveillance and C31 mission?

ANSWER

MANPOWER:	The $20 million dollars for Border Patrol agents would enable the Patrol to fully staff the personnel authorized in the 1986 IRCA Bill. The Border Patrol can handle an additional 500 positions by placing agents along the entire land border with a proportionally higher number dedicated to high drug trafficking eg. Tucson, Yuma, McAllen, El Paso, Laredo, San Diego, etc. The Patrol is currently undergoing a major recruiting and training program which would be expanded to accommodate the additional positions provided by this bill. The hiring of the additional agents would be scheduled to coincide with the expansion of training facilities to accommodate the 18 week basic course.
SENSORS:	Current sensor coverage on SW border is 15-20%. I&NS needs $11 million additional to approach 100%. 2 year money. An additional $3.75 million is needed for portable sensors.
COMMUNICATIONS:	I&NS needs $4 million, 1 year money, to immediately acquire interim low level voice privacy radio systems. I&NS also needs $72 million, 5 year money, to acquire a fully secure voice privacy microwave communications system, with an additional $5 million annual recurring cost (repairs, leases, maintenance).

TELEVISION:	I&NS needs $16.15 million, 2 year money, for low-light-level television systems (L3TV). The systems are needed for both border and traffic check point interdiction and security.
VISION DEVICES:	I&NS needs $10.4 million, 1 year money, for vision devices (vehicle mounted infrared scopes, night vision goggles, pocket scopes, binoculars, and gyro-stabilized binoculars).
AIRCRAFT:	I&NS needs $9 million, 1 year money, for acquisition of 13 additional helicopters. An additional $1 million is needed for an additional 9 fixed wing aircraft. Recurring costs for these additional aircraft will be $5 million annually for parts and operating expenses.
BOATS:	I&NS needs $1 million, 1 year money, for 10 high speed interceptor boats to address the smuggling threats across Amistad and Falcon lakes, between the ports of entry on the SW border.
CANINES:	I&NS needs $600,000.00, 1 year money, for the purchase and training for 100 additional K-9 units.

15 B. Question: Tell us also what the military may be able to do for you in fighting drug smuggling along the Southwest Border, if they get the new surveillance and C3I mission.

Answer: I recommend that the Department of Defense not take over C3I in relation to land borders. They do not have resources or infrastructure presently established or committed to this mission. I believe that military communications, aircraft and technological resources, rather than military personnel, can be used to great effect in support of drug interdiction and border enforcement. I oppose stationing military forces on the border.

Military resources could be utilized in support of Border Patrol operations in several ways. First, military research and development of surveillance and communications systems can be devised and tested to satisfy Border Patrol needs, which in many ways parallel military needs. Second, excess military helicopters, vehicles and aircraft can be made available for Border Patrol use in border surveillance. Third, military installations in the border area can be used for tactical training exercises. Fourth, military air training sorties in the border area can be tasked with ground surveillance and intelligence gathering missions to support Border Patrol operations. Fifth, military technicians and excess parts can be used to maintain and repair surveillance aircraft, sensor systems, low-light and infrared video equipment. Sixth, military aircraft can be used to transport Border Patrol task forces and equipment to establish mobile corridor operations along the border, especially in remote areas away from major highways.

It should be noted that limitations on Department of Defense expenditures imposed by the "Economy Act" severely restrict the types of assistance which can be provided to the Border Patrol. For instance, the military services cannot provide engineering support, aircraft parts, air transportation, lighting equipment, fencing materials, or ammunition to the Border Patrol for operations unless the cost of these items is reimbursed by the Border Patrol. Amendments to the "Economy Act" would greatly assist the Border Patrol in obtaining the use of excess or unused military assets.

17 A. Question: What benefits and what problems do you foresee if DOD becomes the principal surveillance and C3I agency for the

civilian anti-drug effort, and do you really believe that this new mission will vitiate the need for Customs, Coast Guard, and Border Patrol to have their own surveillance and/or C3I assets.

Answer: The proposal to make the Department of Defense the principal agency for surveillance and C3I for civilian drug enforcement can benefit air and sea detection. The military already has assets in place to protect our air lanes and coasts. Use of the military for detection of aircraft and ships is a reasonable and practical utilization of existing resources.

The Border Patrol should continue to maintain surveillance and control activities for the land border, since the Border Patrol already has the resources and infrastructure in place for this mission. The Border Patrol is a unique law enforcement agency in its mission, capabilities and accomplishments. In protecting our nation's borders the Border Patrol has arrested over one million aliens attempting illegal entry to the United States in each of the last five years. These illegal entrants present a law enforcement problem, not a national defense problem. The number of drug related illegal entries on the Southwest border is small compared to the number of non-drug related illegal entries. Border Patrol efforts provide several important benefits in the comprehensive law enforcement responsibilities of the federal government. First: we intercept both aliens and drug shipments which have illegally crossed our borders. 60% of the drugs seized on the Southern Border - whether at ports of entry or between the ports -is seized by the Border Patrol. The number of alien apprehensions may exceed one million again this year - down significantly from the FY 85 high of 1.8 million - due to economic conditions in much of Latin America. Second: We preserve our friendly relations with Canada and Mexico which have allowed the United States to rely on civil law enforcement, rather than military forces, to patrol our borders and control lawful entry into the United States. Third: We protect and save lives of aliens who are preyed upon by border bandits, and of countless individuals lost in the mountains and deserts of the Southwest, and in our national forests and parks. Border Patrol training and expertise in Spanish language and border enforcement techniques, especially in the ability to follow tracks through remote areas, has prevented many tragedies. Fourth: Border Patrol operations serve as a model for other countries which face increasing illegal entries across their borders. Many countries have sent officers to the United States for instruction at Border Patrol sectors. Fifth: Border Patrol operations support local communities and law enforcement by assisting in emergency situations, and maintaining the border area cultural heritage. The majority of Border Patrol employees are native to the border area and are keenly sensitive to the strong cultural ties that span the border.

17 A Answer Continued An important consideration in INS operations is the fact that over 70 percent of cases handled by federal drug interdiction agencies involve aliens. This linkage of drugs and aliens is very important, and argues against the use of military personnel in border interdiction. I believe that military communications, aircraft and technological resources can be used to great effect in support of border enforcement. For example, the sensor system we have installed along stretches of the Southwest border is an adaptation of technology developed by the military. We have also developed specialized night vision equipment based on military research. These technologies enable the United States to continue border patrols under civil law, without having to station military forces on the border.

17 B Question: How would you recommend we structure the operation control of the C3I centers if DOD takes over? Do you believe that Coast Guard, Customs and Border Patrol should still have operational control, if not command, of the C3I centers?

Answer: I recommend that the Department of Defense not take over C3I in relation to land borders. They do not have resources or infrastructure presently established or committed to this mission. Military resources should be utilized in support of Border Patrol operations.

QUESTION:

18. INTERDICTION: PROBABILITY OF EFFECTIVENESS MEASURES

What drug interdiction assets do your agencies currently have in the pipeline or coming on-line within the next six months that will increase our probability of effectiveness, i.E. The ability to detect, track, intercept, and apprehend the airborne, marine-based, and land-based narcotics smuggler along our borders? Be specific as to how those assets will make a difference.

ANSWER:

AIR

The Immigration and Naturalization Service does not have the ability to detect, track, intercept, or apprehend airborne drug smugglers. Service aircraft are dedicated to observation and surveillance missions, as well as land sensor response and apprehension assistance. Any contribution to airborne interdiction efforts would be in observation/intelligence aspects.

MARINE

The Service is pursuing the purchase of additional boats for use along the Rio Grande River, and in particular, Falcon and Amistad International Reservoirs. At the present time, our ability to track, intercept, and apprehend marine-based drug smuggling across these reservoirs is very limited. Equipment purchases will not have a substantial impact during the next six months due to procurement schedules. Detection and apprehension capabilities for land based narcotic smuggling across the Rio Grande River in Texas is discussed in the following paragraph.

LAND

Within the next six months the Service will bring five additional helicopters into the Border Patrol fleet. These helicopters will be equipped with very high intensity spotlights and Forward Looking Infrared Radar devices for increased detection and apprehension capability. The helicopters are also of sufficient size to deploy small groups of agents as required. The helicopters are destined for San Diego, El Paso, McAllen, Del Rio, and Tucson Sectors.

New replacement fixed wing aircraft have also been purchased and will be included within the fleet during the next six months at San Diego, El Centro, Yuma, Tucson, El Paso, Marfa, Del Rio, Laredo, and McAllen. These aircraft will be used for daytime surveillance and apprehension assistance.

A Low Light Level Television (LLLTV) surveillance system will become functional at Del Rio, Texas, during the next six months and will aid in the detection and apprehension of smuggling near the ports of entry and along the Rio Grande River. Similar systems are planned in FY 89 for Eagle Pass, Texas, and Brownsville, Texas, and Brownsville, Texas.

$800,000 of additional ground sensor equipment will be purchased in FY 88 for deployment along the southern border beginning in calendar year 1989.

This figure represents approximately 350 additional sensors and will provide increased detection capability in remote areas. A mobile sensor corridor concept is being explored by the Border Patrol and included plans for special truck mounted night vision equipment. Actual procurement and deployment schedules will be dependent upon future funding.

With these additional resources, we would expect a proportional increase in detection and seizures based upon the availability of equipment and personnel. In the past the Border Patrol has been able to demonstrate that a $1 investment in resources has yielded $34.36 in illegal narcotic seizures.

QUESTION:

19. INTERDICTION: How should we measure interdiction's effectiveness and objectives?

As our experts on drug interdiction, what measures of success do you embrace as appropriate in judging the effectiveness of drug interdiction v.s. some other component of our anti-drug effort?

ANSWER:

The true measure of success in judging the effectiveness of drug interdiction is a reduction in the amount of drugs being consumed. This is accomplished by reducing the supply and/or reducing the demand, for which there is no direct, simple measure of success. However, the current or components of our anti-drug effort will provide individual measures for a specific objective.

The varied, interconnected yet independent components of the anti-drug effort must be coordinated and balanced at the highest level to ensure its success. For example, the accepted measure of success for land border interdiction is the amount of narcotics seized, thus reducing the supply. At the same time, an emphasis on reducing the supply from source countries may distort the first measure by a decrease in the actual flow of narcotics across the United States border. The overall objective of drug reduction is still successful. Educational measures are more straightforward. The number of children exposed to the Border Patrol drug awareness presentations is a direct measure of success for the essential component of reducing demand in conjunction with drug interdiction.

QUESTION:

Tell us what is happening to drug seizures and what has happened to drug seizures since the 1986 Drug Bill in the air, at sea, and at the land borders?

ANSWER:

The Border Patrol has the primary responsibility for the interdiction of narcotics between the ports of entry and has interdicted at least 61 percent of all the marijuana and 49 percent of the cocaine seized along the Southern land border of the United States since the beginning of FY 1987. The value of the narcotics seized during FY 1987 amounted to $582.4 million.

The following chart summarizes the Border Patrol's drug seizures made in FY 1987.

TYPE OF CONTRABAND	NUMBER OF SEIZURES	AMOUNT SEIZED (LBS)
Marijuana	2,236	209,281
Cocaine	238	12,813
Heroin	56	19
Hashish	12	1
Opium	1	5
Pills	82	57,757 units
Other	126	
TOTAL	2,751	

The Border Patrol, in conjunction with Operation Alliance, will continue its successful level of activity throughout FY 1988 according to seizure levels recorded so far this fiscal year. During the first six months of FY 1988 the Patrol made 1,630 seizures valued at $373.8 million, as compared to 1,300 seizures valued at $186.0 million made during the entire twelve months of FY 1986.

QUESTION:

20. INTERDICTION: WHARTON ECONOMETRICS STUDY ON INTERDICTION: POSITIVE

What are your thoughts about the conclusions of the Wharton Study?

ANSWER:

We were not involved in the development of the Wharton Study. However, I&NS in reviewing the funding expended on drug interdiction in FY 87 found that for every dollar dedicated to that effort out of I&NS's IRCA budget a return of $34.00 in the value of seized drugs resulted.

21 Question: What is your response to the Rand Study, and what evidence can you point to that is more optimistic on the success of interdiction in stopping drugs from entering the US?

Answer: Interdiction of the importation of cocaine and heroin is the only solution which is within the immediate control of the federal government. These drugs are derived from plants which are not grown in the United States. While we can pursue demand reduction, foreign eradication or other enforcement initiatives, it is clear that interdiction is absolutely necessary to stop the flow of these drugs into our country.

The signs of success in interdiction include the measure of the quantity and quality of drugs seized, changes in the street price, quality and means of use of drugs, changes in methods to overcome interdiction efforts, changes in the level of cooperation of foreign governments, and changes in United States public attitudes about drug use and drug enforcement.

I agree that additional law enforcement resources are needed for a balanced approach which combines interdiction, investigation, intelligence, eradication and prosecution to enforce our laws with education and treatment programs to reduce demand. Our efforts must be directed toward many fronts at the same time, and we cannot afford to neglect interdiction.

22 Question: What is your view of the argument that interdiction doesn't work, so lets put our interdiction money into other areas?

Answer: Drug interdiction is a necessary component of a comprehensive strategy which includes efforts to reduce both the supply and demand for drugs. Interdiction is the most effective means to prevent the entry of drugs which originate in other countries and are not native to the United States. Interdiction is in fact working and must be expanded along with other approaches, to reduce demand, disrupt the flow of drugs and increase the risk of arrest, seizure and prosecution for drug traffickers.

INS Border Patrol statistics for FY 87 show that interdiction worked to eliminate $582 million worth of illicit drugs from the marketplace.

24. INTERDICTION: NEED FOR TIME SENSITIVE TACTICAL INTELLIGENCE TO MAKE IT WORK

Q. What is your assessment of the quantity and quality of time-sensitive, tactical intelligence that your agencies receive from DEA, the intelligence agencies, EPIC, and the like? And what specific improvements in this critical area would help to improve our overall interdiction performance?

A. INS is a relatively new partner in the President's Organized Crime Drug Enforcement Task Force (OCDETF) effort, having only joined formally in December 1986, so our comments must be prefaced by noting that our critical day-to-day operational needs have only come into focus over the past 17 months. However, our perspective is that despite some excellent local individualized and independent networking among Special Agents working on the same case or problem, there is not enough tactical intelligence being shared with our agency. This is largely because there is no formal mechanism for sharing such data, nor even an obligation that other agencies share data on a timely and consistent basis. To that extent we agree with the GAO assessment.

The focus of the intelligence programs described have been almost solely on strategic analysis, providing historical analysis relative to perceived geographical trends or trafficking patterns. INS needs to increase drug intelligence liaison with DEA and Customs at both the headquarters and district level especially in major cities. Additionally, there is a real need to enhance our own analytical capability to generate, process and distribute time sensitive tactical drug intelligence information which is more suited to INS' drug responsibilities. This can be accomplished by enhancing the analytical capability of the INS Intelligence Division, which due to its limited size is overwhelmed in serving the more traditional alien related intelligence needs of field operations.

There is no formalized basis or even obligation for DEA or the other intelligence agencies to share data with INS, although INS is obligated by law (Title 21, U.S.C.) to share narcotics data with DEA.

More recently, to effectively respond to the problems of emerging ethnic organized criminals and complex criminal organizations, INS is taking the initiative to provide day-to-day operational support, or tactical analysis, in the development of complex criminal cases. In other words, INS recognizes the need to develop a tactical intelligence capability. Examples of this type of support include telephone tool analysis, link analysis, and development of financial profiles. Case development and agent safety in major criminal cases or sophisticated conspiracies can only be achieved by establishing an organic and meaningful relationship between criminal investigators, analytical support personnel, and real-time, on-line, computerized data bases accessible to all participating agencies. Information sharing with other federal enforcement agencies, of course, would further enhance the tactical capability that INS has begun to develop.

INS is committed to an active role with other government agencies at the El Paso Intelligence Center (EPIC). However, the mission of EPIC is geared toward the production of non time sensitive strategic intelligence information centering around methods of conveyance. To partake in the battle against drugs, INS field agents require more immediate tactical intelligence directed toward individuals and/or organizations, smuggling routes and alien involvement. A strengthening of INS' analytical presence at EPIC could serve this need, with a concurrent increase in field resources dedicated to intelligence collection.

QUESTIONS SUBMITTED BY SENATOR BARBARA A. MIKULSKI

QUESTION:

1. What is your role in drug interdiction and what makes that role unique?

ANSWER: The INS role in drug interdiction involves the:

detection and arrest of drug smugglers and seizure of drugs and other contraband being transported into the United States between land border ports of entry

detection and location of areas and facilities near the border where drugs are grown, processed, stored for shipment, landed or transported, and assistance to efforts to identify and arrest the traffickers using the areas and facilities

identification of persons attempting to bring drugs into the United States at ports of entry and the exclusion from entry of aliens attempting to bring drugs through sea, air or land border ports of entry

detection at Border Patrol checkpoints of drugs being transported from the immediate border area into the interior of the United States

The INS role is unique because of the particular law enforcement authorities vested in the INS for control of our borders, and the unparalleled authority of INS relating to the examination and exclusion of aliens seeking to enter the United States. The ability of the Service to fulfill this role stems from the unequaled abilities of the INS personnel and technical resources deployed along our borders.

QUESTION:

2. S. 2205 would give you 500 new positions for drug enforcement personnel and $10 million for new equipment for the Border Patrol. Where would you put these people and what kind of equipment would you buy?

ANSWER: The new positions would be deployed along the entire land border of the United States with concentrations in high drug trafficking areas such as McAllen, Laredo and El Paso, Texas, Tucson and Yuma, Arizona, and San Diego, California, as well as appropriate areas of the Northern border.

The Border Patrol would expand sensor systems along the border, purchase night vision and low-light television devices, and purchase radio equipment to ensure voice privacy of operational communications. Aircraft and boats would be purchased, along with additional sniffer dogs which have proven highly effective in locating smuggled aliens and drug detection.

QUESTION:

3. How would you assess the level of interagency cooperation between the Border Patrol and particularly Customs and Coast Guard, in areas like joint operations and intelligence sharing?

ANSWER: The level of cooperation and interaction between INS and its counterparts is very high. INS is a full member of the Interdiction Committee of the National Drug Policy Board, which is co-chaired by the Customs Service and Coast Guard. Participation in the committee provides INS with a forum and opportunities to identify and resolve key policy issues relating to INS drug interdiction operations.

Operation Alliance is the most recent example of the continuing efforts by this Service to assist, support and, when appropriate, lead joint Federal law enforcement operations. Alliance has brought together the Service, Customs, the Drug Enforcement Administration and State and local law enforcement agencies in the U.S.-Mexico border area for effective drug interdiction operations. Alliance continues to set new records for arrests of drug traffickers and seizures of drugs, weapons, drug money and other contraband.

Interagency intelligence sharing has been very successful because of the commitment of the Service and other agencies to work through the El Paso Intelligence Center for reporting, dissemination and analysis of intelligence.

CONCLUSION OF HEARING

Senator DECONCINI. The subcommittee will stand in recess subject to call of the Chair.

[Whereupon, at 4:38 p.m., Wednesday, June 8, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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